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# GRADY RANCHES CONSERVATION EASEMENT

A proposal by the Montana Department of Fish, Wildlife & Parks  
December 19, 1997

- ENVIRONMENTAL ASSESSMENT
- MANAGEMENT PLAN
- SOCIO-ECONOMIC ASSESSMENT

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Comment period on this proposal is from December 19, 1997 to January 20, 1998. Please submit comments to: Montana Department of Fish, Wildlife & Parks, 930 Custer Ave. W., Helena, MT 59620

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# **GRADY RANCHES**

## **CONSERVATION EASEMENT**

**A proposal by Montana, Fish, Wildlife and Parks**

### **Included in This Document:**

- o      Draft Environmental Assessment**
- o      Draft Management Plan**
- o      Socio-Economic Assessment**

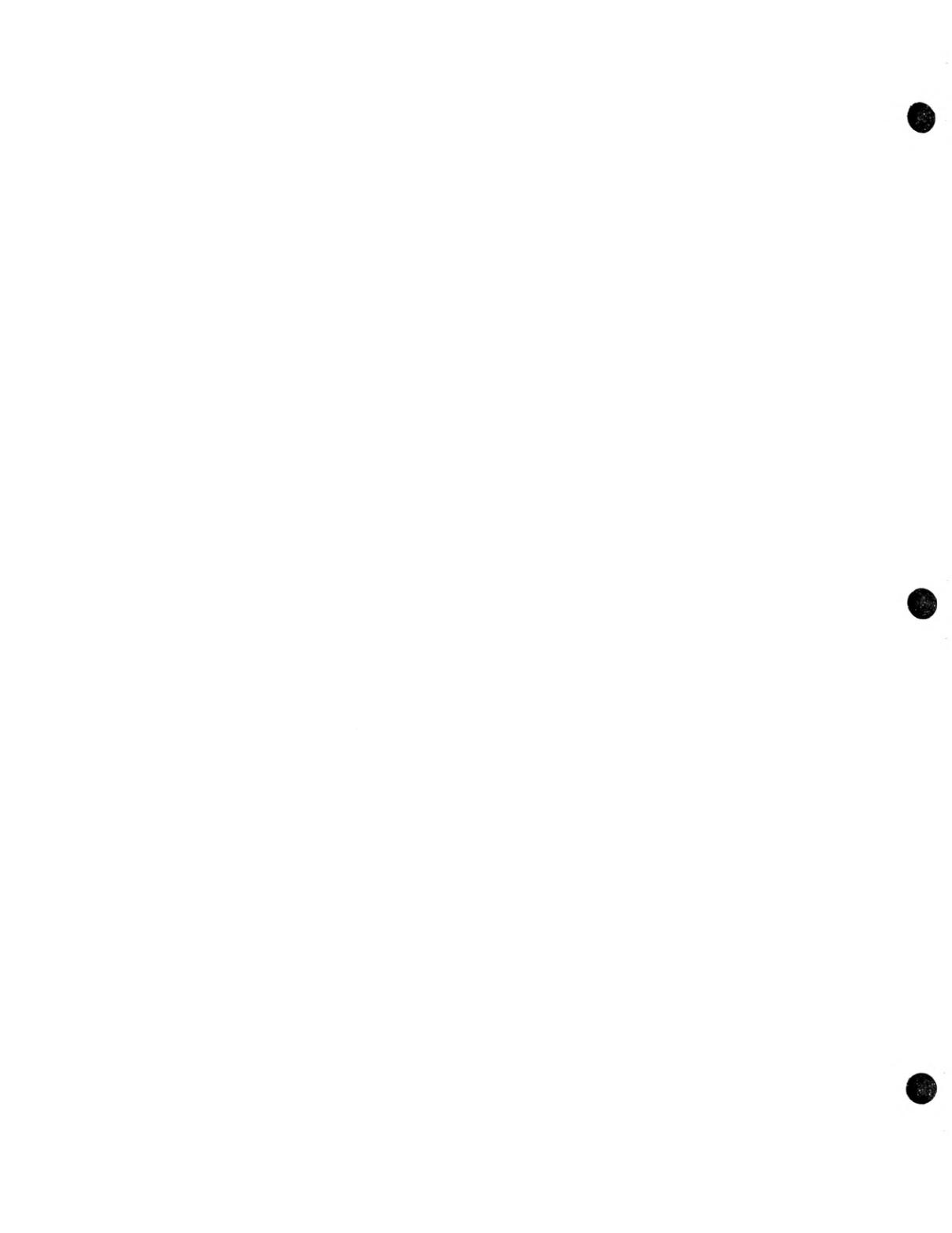
**Comment period on this proposal is from December 19, 1997 until January 20, 1998.**  
**Submit Comments to:**

**Montana Fish, Wildlife and Parks**  
c/o Grady Ranches Comments  
Helena Area Resource Office  
930 Custer Ave. W.  
Helena, MT 59620

**Public Hearing: January 14, 1998 at 7 p.m. Best Western Colonial Park Hotel, Helena, MT**

**For additional information contact:**

**Joel Peterson, Region 3 Wildlife Manager, (406) 994-6936**  
**Michael Korn, Helena Area Coordinator, (406)444-4720**



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## APPENDIX B



**Montana Fish, Wildlife & Parks  
Wildlife Division**

**Draft Environmental Assessment**

**GRADY RANCHES CONSERVATION EASEMENT**

**I. INTRODUCTION**

The state of Montana recognizes that certain native plant communities constituting wildlife habitat are worthy of perpetual conservation. These communities include riparian, sagebrush-grassland, montane forest, and intermountain grassland. Properties owned by the Grady family include such habitats and warrant perpetual conservation consideration. In 1992 the Montana Department of Fish, Wildlife and Parks (FWP), Grady Ranch Co., Grady Livestock Co., Edward J. Grady, Eileen L. Grady, Raymond P. Grady, and Patricia Ann Grady (the "Gradys") entered into a Management Agreement for a term of five years. That agreement recognized the importance of habitat features on the property, granted FWP certain management opportunities, and perpetuated the public recreational opportunities that have been allowed on the property. That agreement also reflected FWP's interest in obtaining a permanent conservation agreement on the property. FWP and the Gradys (Grady Ranch Co., Grady Livestock Co., Edward J. Grady, and Eileen L. Grady) have now reached agreement on the terms of a proposed permanent conservation easement. The terms of the proposed conservation easement reflect the Gradys' desire to maintain and protect their ranching lifestyle and agricultural production while enhancing wildlife habitats. It is proposed that a permanent conservation easement be purchased by FWP from the Gradys. The proposed easement will keep the property in private ownership and operation while preserving important wildlife habitats and perpetuating public recreational opportunities.

**II. AUTHORITY AND DIRECTION**

FWP has the authority under law (87-1-201) to protect, enhance and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. In 1987, the Montana Legislature passed HB 526 which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement, or fee title acquisition (87-1-241 and 242). This is now referred to as the Habitat Montana Program. As with other FWP real property proposals, the Fish, Wildlife and Parks Commission and the State Land Board must approve this conservation easement proposal. This Environmental Assessment is part of the decision making process as directed by the Montana Environmental Policy Act (MEPA).

### **III. LOCATION OF THE PROJECT**

The property is located approximately 25 miles northwest of Helena, near the community of Canyon Creek (Figure 1), and consists of approximately 12,900 deeded acres. Most of the land involved is within hunting district 343, west of Lincoln Road (Highway 279). The balance of the property lies east of Lincoln Road in hunting district 339. The property is bordered by the Helena National Forest to the west, Chevallier Ranch and BLM to the north, Sieben Ranch to the east, and small parcels of private land and Grady Livestock Co. property to the south.

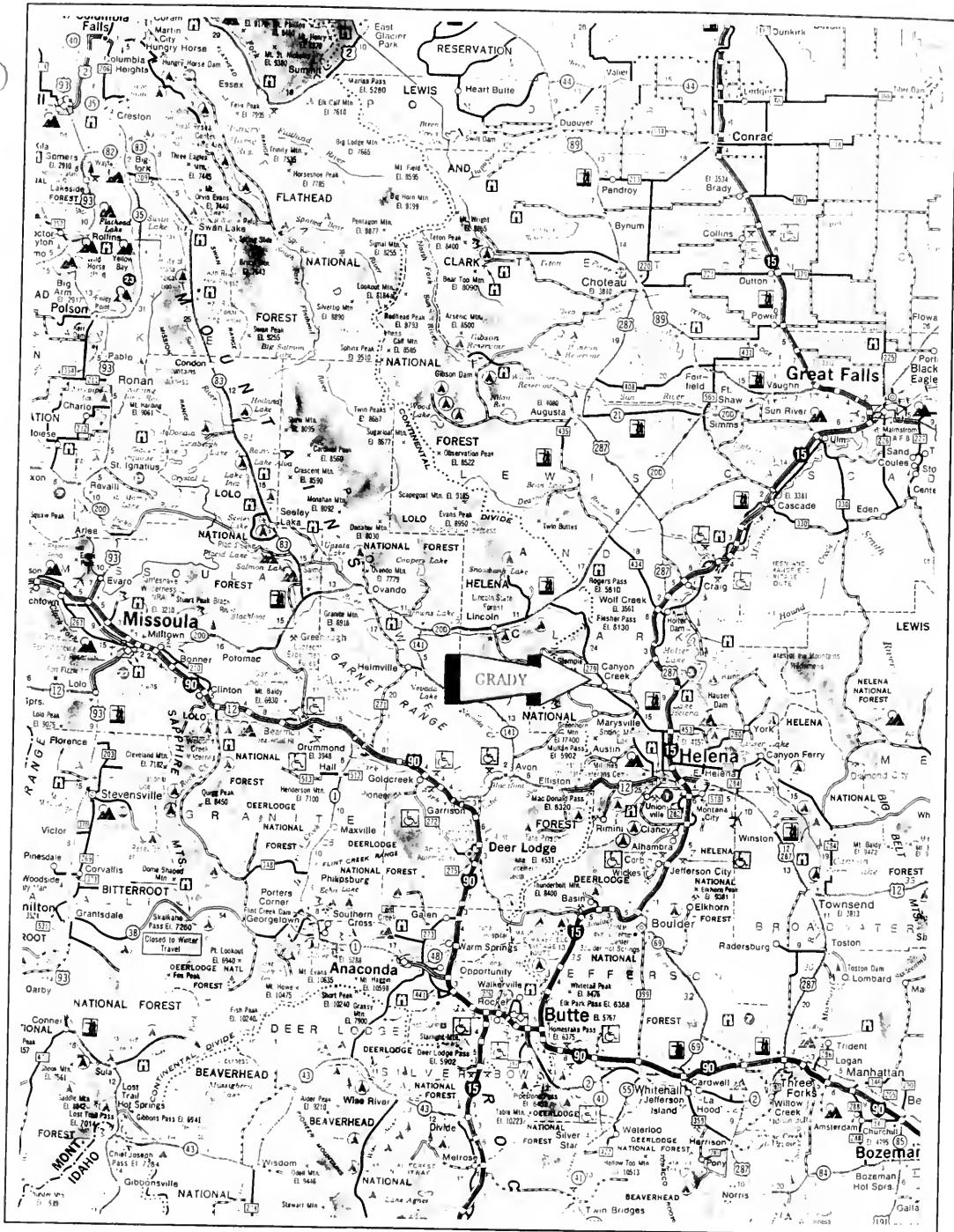
### **IV. PURPOSE AND NEED**

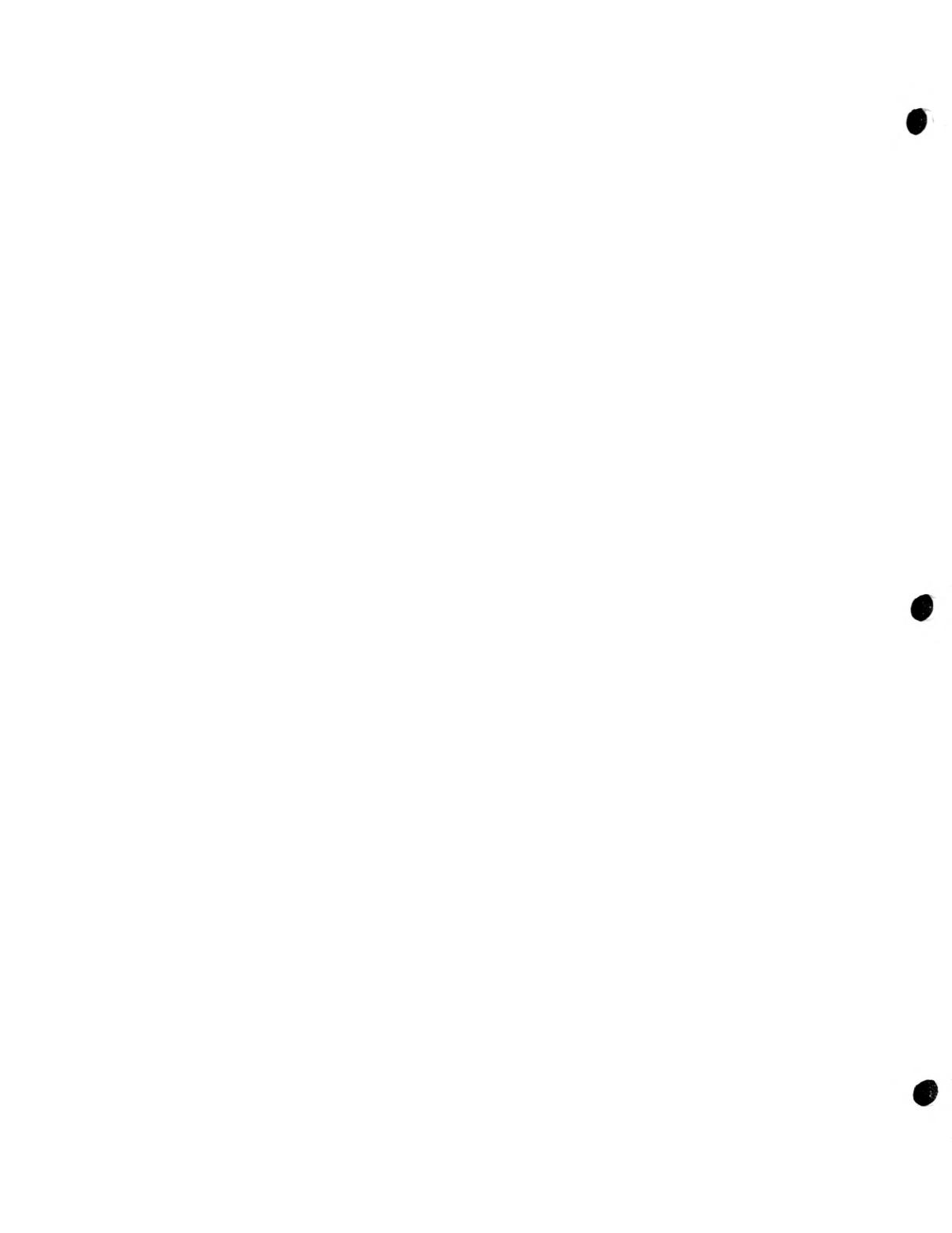
The Grady Ranches on the east slope of the Continental Divide encompassing a rich diversity of timbered and sagebrush/grassland habitats that is home for a wide variety of wildlife species, and provides recreational opportunities to the citizens of Helena and other communities. The Grady Ranches provide important access for hunting, not only on their private land, but to school trust land and federal land found within and adjacent to their boundaries. The Grady family allows hunter access to and through their property. Placement of a conservation easement on this property would assure that this land stays in a ranching operation, while at the same time conserving wildlife habitat and providing public recreational use for hunting and fishing.

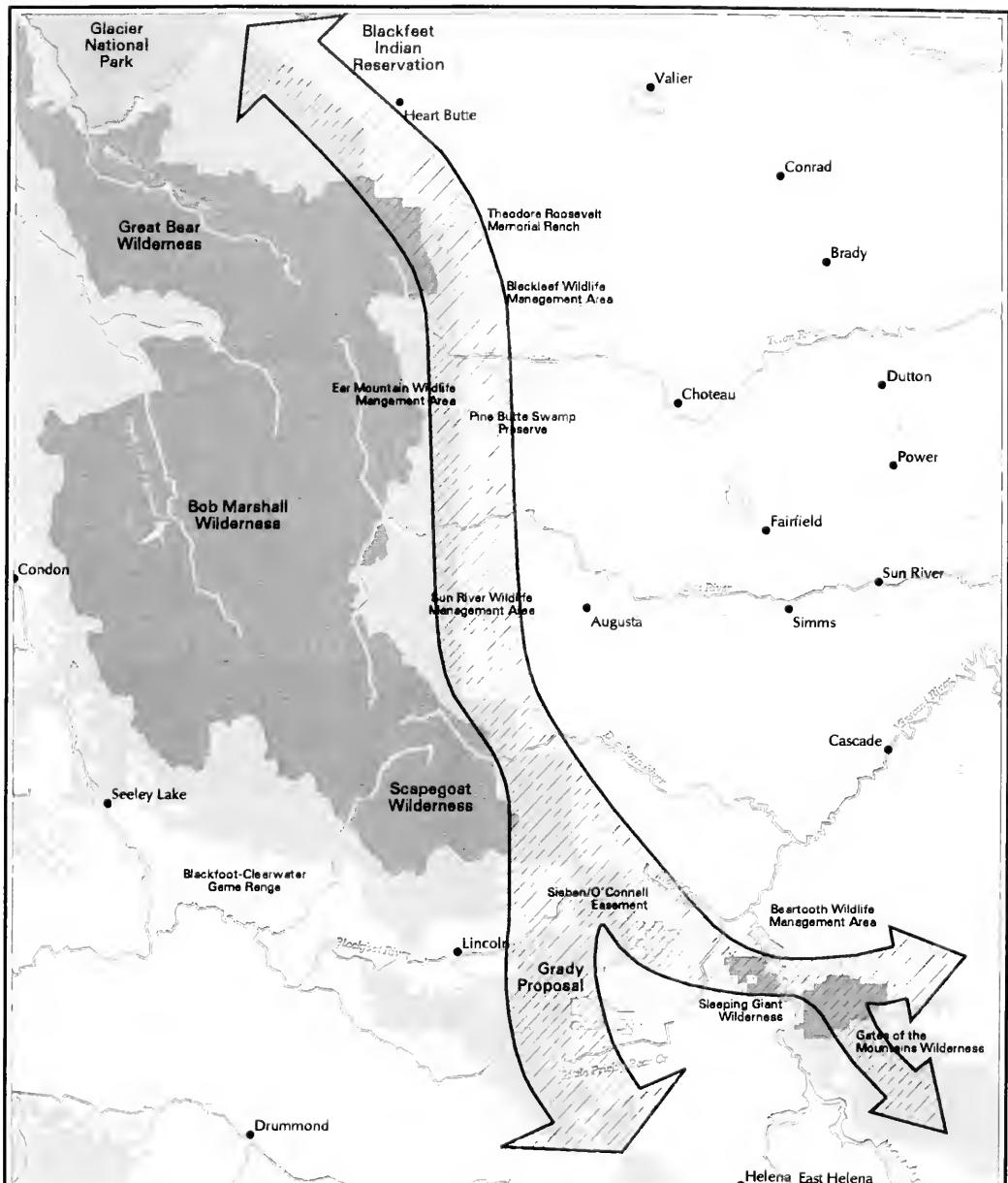
This property is strategically located adjacent to public land and FWP's Sieben Ranch conservation easement, thus blocking up significant critical habitat and movement corridors for animals along the Continental Divide. (Figure 2) Radio collar information has shown movements of elk from HD 293 and HD 281 and incidental movements from HD 380 to and through the Grady Ranches. The open sagebrush/grassland habitat provides critical winter range for big game animals. Conifer cover found on the property is important for thermal and hiding cover. The Grady Ranches provide important seasonal and year-around habitat for big game species, predominately mule deer and elk. During the last five years, the Grady Ranches provided habitat for 18 to 49 percent of elk and 22 to 76 percent of mule deer wintering in hunting district 343.

These habitats are utilized by a diverse group of nongame as well as game species. Big game species include black bear, elk, mule deer and a limited number of white tailed deer. Other species include red fox, badger, coyote, fisher, martin, wolverine and an occasional wolf and lynx. Upland game birds include ruffed grouse, blue grouse and an occasional sharp-tailed grouse and Hungarian partridge. Other bird species include long-billed curlew, goshawk, merlin and a variety of owls and woodpeckers. Thirty-one species classified as Species of Special Interest or Concern by the State of Montana occur in the latilong inclusive of the Grady Ranches. Species classified as sensitive according to the Federal Endangered Species Act, that occur in this area include the ferruginous hawk, lynx, wolverine, flammulated owl and boreal owl. A list of potential species using this area is contained in Appendix A.

In recent years, there have been numerous sales of small tracts for rural residential use in the Canyon Creek area. Much of the Grady Ranch has high rural residential subdivision potential,







## Wildlife Corridor For Central Montana

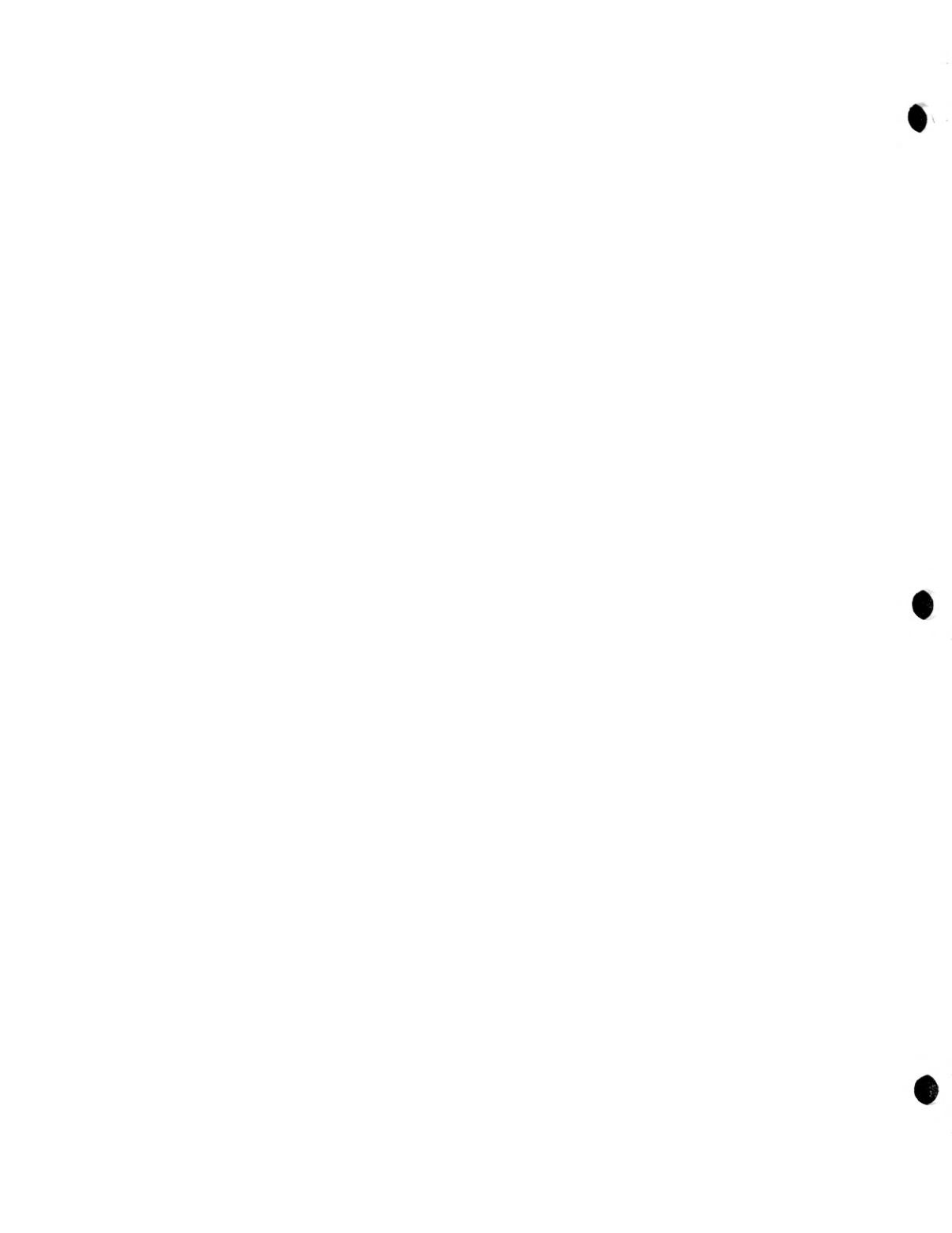
### Land Management Status

<input type="checkbox"/>	Grady Proposal	<input type="checkbox"/>	BLM	<input type="checkbox"/>	National Park
<input type="checkbox"/>	Forest Service	<input type="checkbox"/>	State	<input type="checkbox"/>	Wildlife Management Area
<input type="checkbox"/>	Wilderness	<input type="checkbox"/>	Indian Reservation	<input type="checkbox"/>	Conservation Parcels

Scale of Miles  
 0 10 20 30 40

Map by Montana State Library  
 Natural Resource Information System  
 Map #98fwp2b - 6/14/96'

FIGURE 2



# Proposed Grady Ranches Conservation Easement

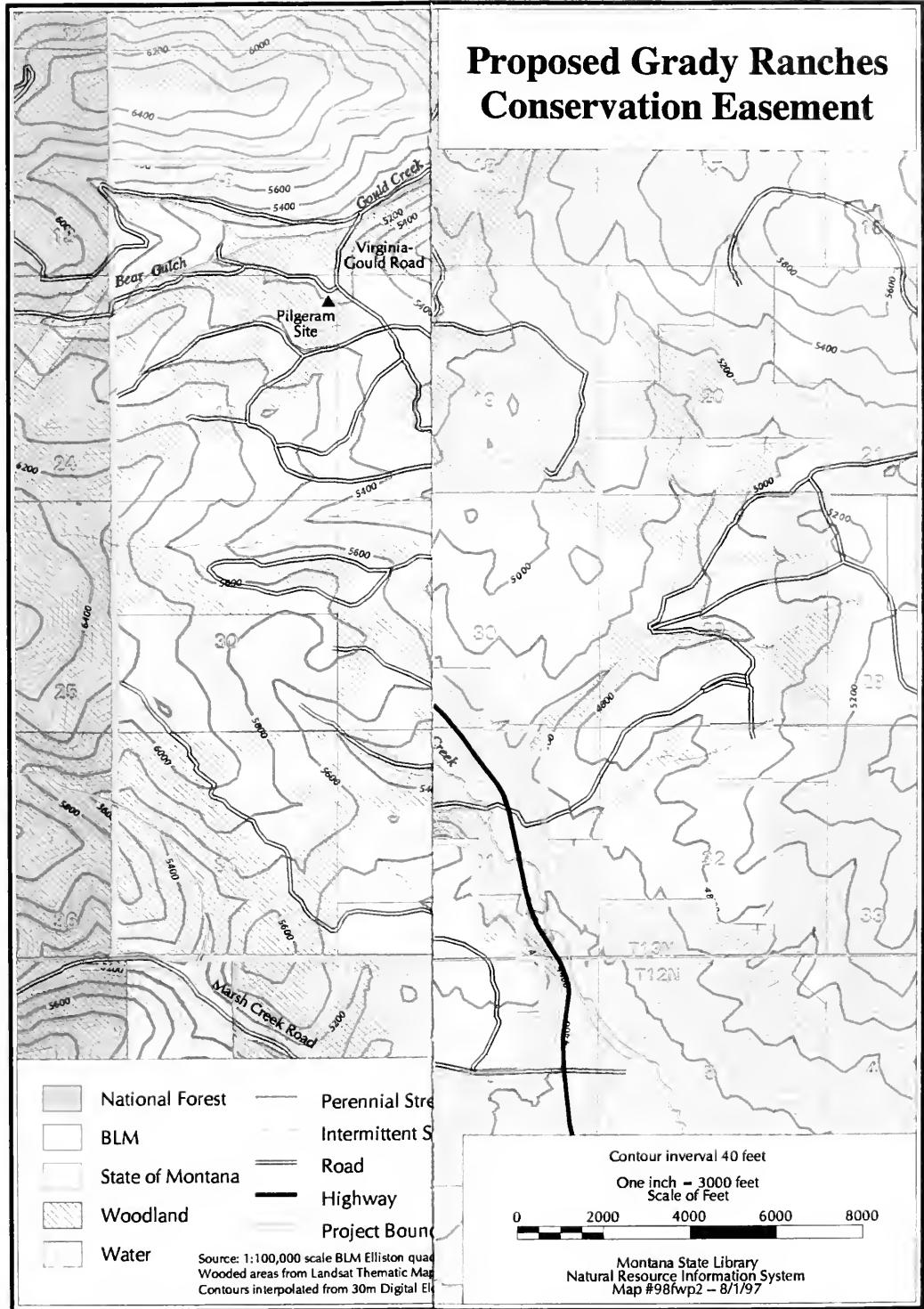


FIGURE 3

## Proposed Grady Ranches Conservation Easement

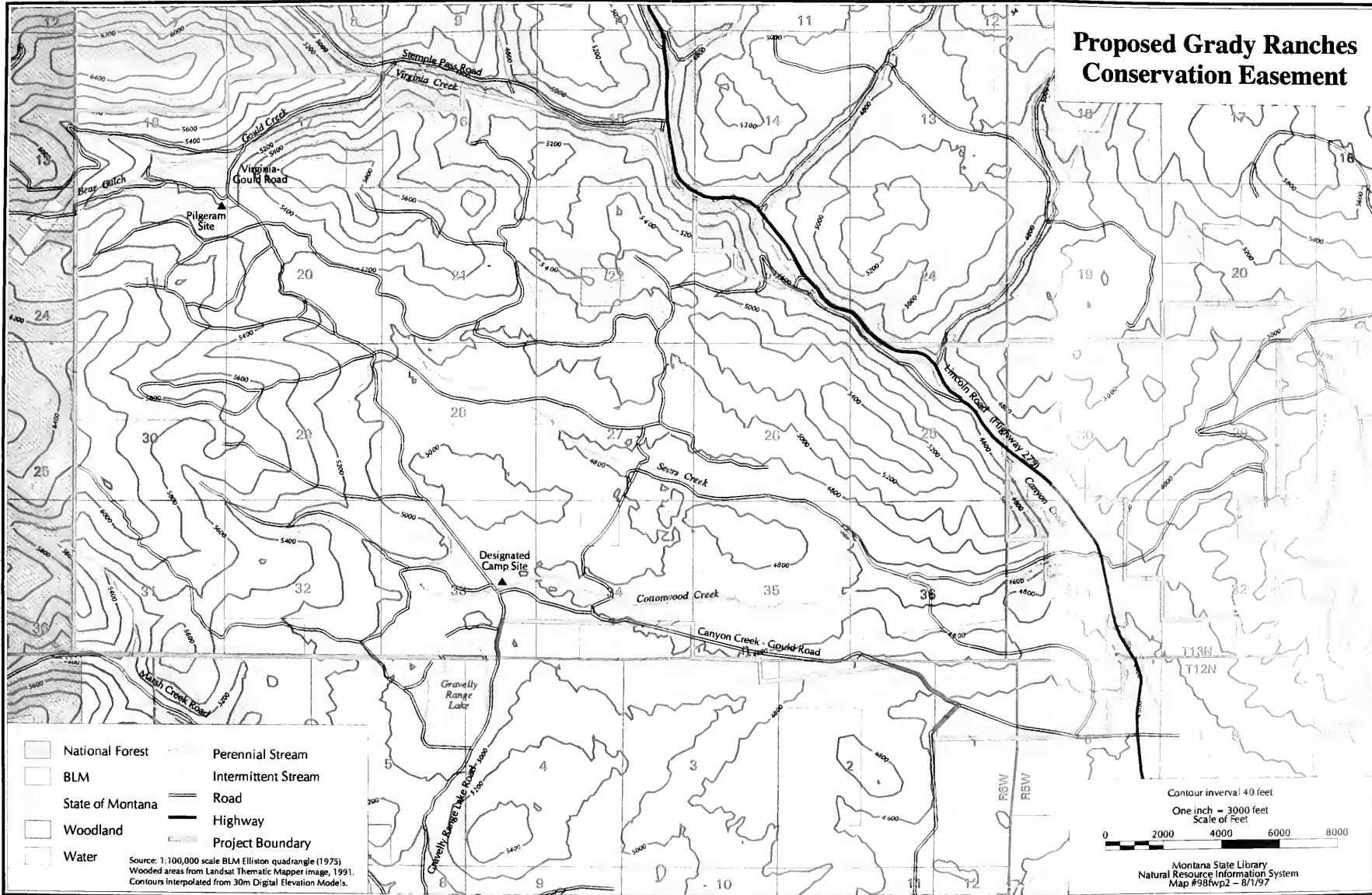


FIGURE 3

and the failure to protect the land from future subdivision could have a substantial impact on important wildlife habitats (see Appendix B). In addition, Montana has seen a trend toward the sale of large ranches for private exclusive recreational use. When these sales occur, public recreational opportunities are often eliminated. The proposed easement will perpetuate public hunting and fishing opportunities on the land.

## **V. DESCRIPTION OF THE PROPOSED ACTION**

The proposed action is for FWP to acquire and monitor a permanent conservation easement on approximately 12,900 acres of the Grady Ranch (Figure 3). The total purchase price for the proposed easement is \$2,350,000. According to the terms of the 1992 Management Agreement which was executed between the parties, the \$350,000 that was then paid to the Grady's will be applied toward the purchase of the proposed permanent conservation easement. The balance of the purchase price will be paid to the Grady's at the time the permanent easement is conveyed. Funds for the acquisition will come from the Habitat Montana Program.

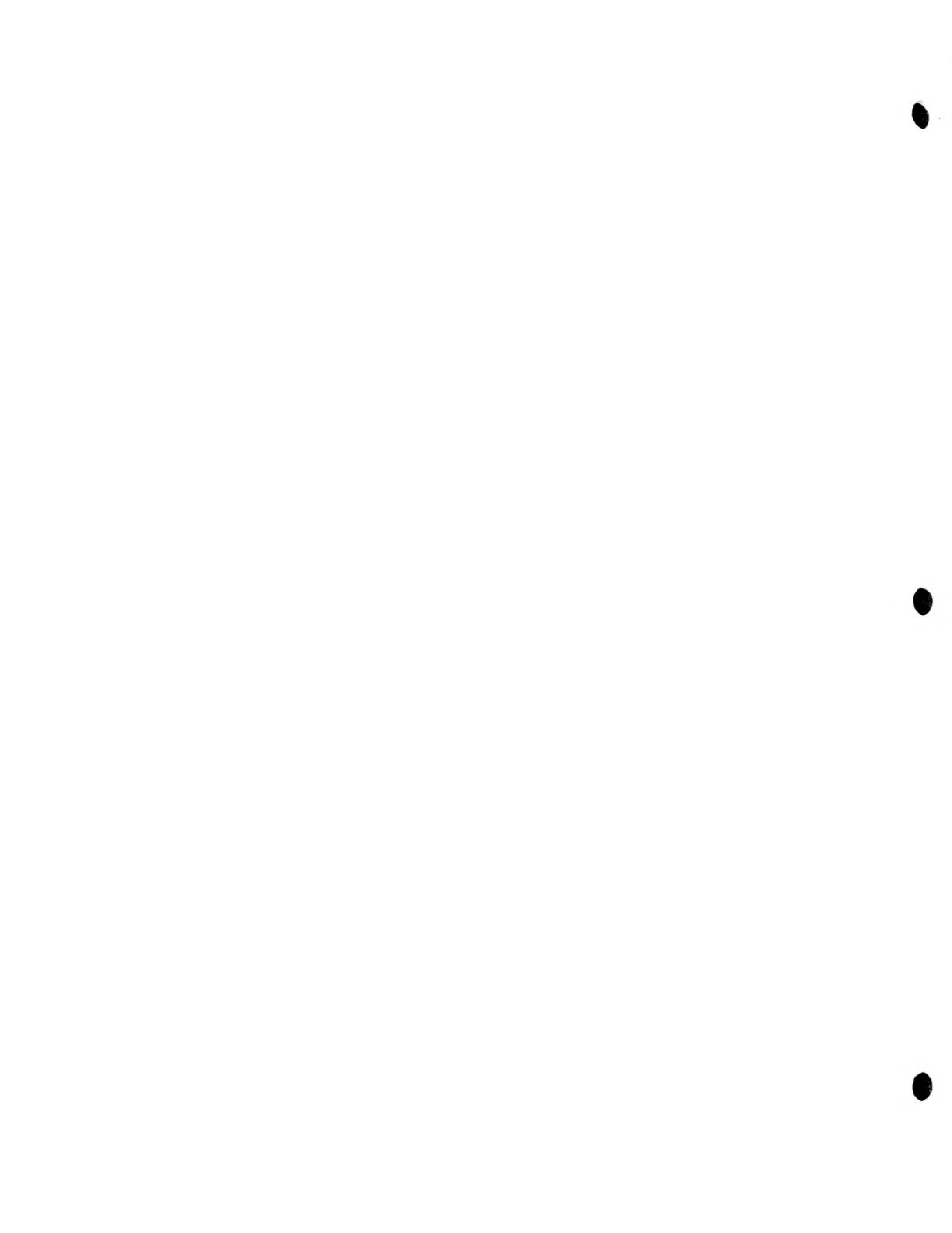
The specific terms of the easement in their entirety are contained in a separate legal document which is the "Deed of Conservation Easement." This document lists FWP's and landowners' rights under the terms of the easement as well as restrictions on landowner activities. The rights of both parties and restrictions on landowner activities were negotiated with and agreed to by FWP and landowners. The intent of these rights and restrictions is to preserve important wildlife habitats in perpetuity while maintaining the agricultural, residential, and public recreational uses which have occurred on the land.

To summarize the terms of the easement, FWP's rights include the right to:

- (1) identify, preserve and enhance specific habitats;
- (2) monitor and enforce restrictions ;
- (3) prevent activities inconsistent with easement ;
- (4) public access for the purposes of recreational hunting, fishing and primitive camping on designated sites. Fishing access to Canyon Creek, Virginia Creek and Gould Creek will be maintained via the Virginia-Gould Road, Lincoln Road West (Highway 279), Stemple Pass Road, Canyon Creek-Gould Road and Gravelley Range Lake Road. Hunting access for all sex and age classes of game animals and game birds during all established seasons will be maintained for a minimum of 475 persons and approximately 1425 hunter days. Public hunting access will be maintained through all the above mentioned roads as well as the Marsh Creek Road .

The Landowners retain all of the rights in the property that are not specifically restricted and that are not inconsistent with the conservation purposes of the proposed easement, including the right to:

- (1) pasture and graze livestock, up to 5465 Animal Unit Months (AUMs) each year ;
- (2) regulate the public use of land, subject to the public's access described above;



and the failure to protect the land from future subdivision could have a substantial impact on important wildlife habitats (see Appendix B). In addition, Montana has seen a trend toward the sale of large ranches for private exclusive recreational use. When these sales occur, public recreational opportunities are often eliminated. The proposed easement will perpetuate public hunting and fishing opportunities on the land.

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The Landowners retain all of the rights in the property that are not specifically restricted and that are not inconsistent with the conservation purposes of the proposed easement, including the right to:

- (1) pasture and graze livestock, up to 5465 Animal Unit Months (AUMs) each year ;
- (2) regulate the public use of land, subject to the public's access described above;



- (3) develop and maintain water resources;
- (4) control up to 250 acres of sagebrush every 5 years;
- (5) repair, renovate or replace existing non-residential buildings, corrals, roads and irrigation structures;
- (6) construct, remove, repair or replace fences and roads providing that such improvements do not have a material impact on wildlife or wildlife habitat;
- (7) construct four dwellings of limited size in designated building areas;
- (8) conduct guest ranching consistent with the existing agricultural uses of the property, and consistent with wildlife habitat, and the public access provisions listed above;
- (9) harvest timber in accordance with an approved timber management plan incorporating current Best Management Practices (1991) and maintain thermal and conifer cover for big game and other wildlife by requiring that 60% of the classified forested land remain in conifer cover; and maintaining a minimum of 1000 acres of thermal cover for elk and other wildlife species;
- (10) explore for and extract oil, gas or other hydrocarbons, subject to a plan approved by FWP;
- (11) cultivate and improve approximately 320 acres of previously cultivated and abandoned cropland with native and/or diversified tame pasture mix of grasses.

The proposed easement will restrict uses that are inconsistent with the conservation purposes of the easement including the following uses of the property:

- (1) control or manipulation of sagebrush except as provided above;
- (2) legal or de facto subdivision;
- (3) commercial logging or thinning during any fall deer or elk hunting season;
- (4) commercial logging east and northeast of the Lincoln Road West (Highway 279);
- (5) cultivation or farming except on previously cultivated cropland;
- (6) livestock grazing in excess of 5465 AUMs annually;
- (7) renting or leasing access to the land for hunting, fishing, primitive camping or winter recreation
- (8) agricultural activities that are degrading to soil and surface water
- (9) use of agrichemicals except as approved by the State of Montana
- (10) use of motor vehicles and agricultural equipment except in a manner having minimal impact on vegetation and natural habitats;
- (11) installation of utility structures without prior FWP approval ;
- (12) mineral exploration, development and extraction except ordinary topsoil for domestic purposes, rock and gravel for ranch operations or FWP approved habitat restoration;
- (13) construction of any structure except as described above;
- (14) game farms;
- (15) commercial or industrial use except traditional agricultural uses;
- (16) dumping or disposal of wastes except for domestic garbage;

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## **VI. DESCRIPTION OF REASONABLE ALTERNATIVES TO THE PROPOSED ACTION**

Three alternatives to the proposed action were considered in this process.

### **1. No Action Alternative**

### **2. Fee Title Acquisition Alternative**

This alternative was initially discussed but was **rejected** early in the process because the Grady family wants to maintain the family agricultural operation. The property is not for sale and it is FWP's preference to acquire a conservation easement rather than own the property in fee title.

### **3. Lease Alternative**

This alternative was discussed but in the end was **rejected**. The Grady's are not interested in leasing the land and this alternative was unacceptable because it did not address the subdivision issue in perpetuity. It would have not been possible for the Department to provide a long term commitment on a lease of this magnitude with no closure other than termination of the lease. This would have provided no long term protection of the habitats FWP deems to be important.

## **VII. EVALUATION OF IMPACTS ON THE PHYSICAL ENVIRONMENT**

### **1. Land Resources**

Impact of Proposed Action: No negative impact would occur as a result of this proposal. The terms of the proposed easement are structured to prevent adverse impacts on soils and vegetation. Grazing is restricted to 5465 AUMs; the harvest of timber from the land must be in accordance with Best Management Practices and other requirements designed to protect the land and maintain a significant amount of conifer and thermal cover. Subdivision and development of the land is restricted, as is additional cultivation. The proposed easement will insure that the land resources are maintained.

No Action Alternative: This alternative would allow for potential disturbance of soils from more intense agricultural practices, mining and residential development.

### **2. Air Resources**

Impact of Proposed Action: There would be no impact.

No Action Alternative: There would be no immediate impact. However, if land were to be subdivided, more human activity could potentially degrade the current air quality.

### **3. Water Resources**

Impact of Proposed Action: There would be no impact in perpetuity over what is currently associated with a working livestock operation. Current agricultural uses on the property have proven to be generally compatible with maintenance of water quality. Any logging activity will be conducted using best management practice to protect water quality.

No Action Alternative: There would be no immediate impact. However, there would be no assurances that over time the property wouldn't change from primarily agricultural to some other use, with no conservation protection.

### **4. Vegetation Resources**

Impact of Proposed Action: This action would result in a positive impact. The terms of the easement protect the quantity, quality and character of the native plant communities found on the property. Current grazing on the ranch is conducted with a combination of rest rotation and deferred rest livestock utilization with an AUM cap. If cooperative and coordinated grazing programs are developed in the future, productivity and plant communities could be subsequently enhanced. The proposed action also ensures the land's primary use in the future will be agriculture which depends on maintaining a productive vegetative resource. Noxious weed management will continue to be an important component of a successful ranch operation. The restrictions on the harvest of timber will assure the value of thermal cover will be maintained over time, as well as assuring at least 60% of the classified forest will remain in conifer cover.

No Action Alternative: There would be no immediate impact. If the land use were to change from agriculture to subdivision or some other use there would be no conservation measures in place to maintain the productivity of the land. Future impacts to native vegetation and overall productivity of the land could be significant. In addition, there would be no long term protection of existing native plant communities. Noxious weeds would likely increase with ever smaller division of land and coordination of weed control would become more difficult. More intensive timber harvest could occur resulting in soil erosion, loss of thermal and conifer cover.

### **5. Fish/Wildlife Resources**

Impact of Proposed Action: This action should result in a positive impact overall. The terms of the easement conserve the land as agricultural and open space for winter range as well as year-round habitat for many of Montana's native wildlife species. Large mammals such as elk, mule deer, and bears require large blocks of unsubdivided open space. Large mammals and agriculture can coexist well together as witnessed in Montana today. Conserving native plant communities is important for most of Montana's indigenous wildlife species. No adverse effects

are expected on the diversity or abundance of game species, nongame species or unique, rare, threatened or endangered species. There would be no barriers erected which would limit wildlife migration or daily movements. There would be no introduction of non-native species into the area.

No Action Alternative: No immediate impact would occur. However, with no long term conservation measures the area would likely become more developed. As this occurs, open space would diminish over time resulting in significant long term effects to most species of wildlife. There would be no provisions preventing activities such as game farming on the property, as well as the construction of fences or other barriers that could inhibit wildlife movement. Residential development of this property would likely disrupt the migratory linkage for big game species and significantly reduce the big game winter range carrying capacity.

## **VIII. EVALUATION OF IMPACTS ON THE HUMAN ENVIRONMENT**

### **1. Noise/Electrical Effects**

Impact of Proposed Action: No impact would occur over existing conditions.

No Action Alternative: There would be no immediate impact.

### **2. Land Use**

Impact of Proposed Action: There would be no impact with the productivity or profitability of the ranch nor conflicts with existing land uses in the area. Game damage problems are not expected to increase because the proposed action is attempting to maintain current wildlife numbers (specifically elk), recreational opportunities, and habitat quality.

No Action Alternative: No immediate impact would occur. However, with changes in landownership and land use in the future habitat quality, current wildlife numbers and recreational opportunity will likely be diminished.

### **3. Risk/Health Hazards**

Impact of Proposed Action: No impact would occur.

No Action Alternative: No impact would occur.

### **4. Community Impacts**

Impact of Proposed Action: There would be no anticipated negative impacts to the community. This action would prevent residential development. The scenic values and open character of this property would be maintained and enjoyed by the community in perpetuity. Also, see attached Socio-Economic Assessment.

No Action Alternative: No immediate impact would occur. However, hunting access could be restricted in the future negatively affecting recreational opportunity in the area.

#### **5. Public Services/Taxes/Utilities**

Impact of Proposed Action: There would be no effect on local or state tax bases or revenues, no alterations of existing utility systems nor tax bases of revenues, nor increased uses of energy sources. As an agricultural/timber property, the land would continue to be taxed as it has before. See attached Socio-Economic Assessment.

No Action Alternative: No immediate impact would occur. Eventual subdivision and development would increase the public's demand for government services such as schools, fire and police protection, road maintenance and residential planning.

#### **6. Aesthetics/Recreation**

Impact of Proposed Action: There would be no impact. The easement would maintain in perpetuity the quality and quantity of recreational opportunities and scenic vistas and would not affect the character of the neighborhood. Also, see attached Socio-Economic Assessment.

No Action Alternative: No immediate impact would occur, however there would be no guarantee of continued public access to the land for recreational purposes. Eventual subdivision and development would reduce the aesthetic and recreational quality of the area. Future landowners may not be as generous with recreational access as have the Grady's.

#### **7. Cultural/Historic Resources**

Impact of Proposed Action: There would be no impact.

No Action Alternative: There would be no anticipated impact.

#### **8. Socio-Economic Assessment**

Please refer to the attached Socio-Economic Assessment for additional analysis of impacts on the human environment.

### **IX. SUMMARY EVALUATION OF SIGNIFICANCE**

The proposed action should have no negative cumulative effect. However, when considered on a larger scale, this action poses a substantial positive cumulative effect on wildlife, agriculture, and open space. Whereas this easement is proposed to protect privately-owned wildlife habitats, this action will create a buffer for adjacent blocks of

public lands, benefitting a significantly larger amount of habitat in perpetuity. In so doing, the ranch will continue to contribute to agricultural production and the local economy and will remain in private ownership.

The "No Action" alternative would not preserve the diversity of wildlife habitats in perpetuity. Without the income from the proposed conservation easement the Grads might consider other income options including either selling the ranch or subdividing parts of it. Possible future subdivisions or other actions prohibited under the terms of the Proposed Action, such as game farming, would directly replace wildlife habitat. An important undeveloped winter range for elk and mule deer may be lost, and important public access to private land, public lands and school trust lands would likely be lost.

#### **X. EVALUATION OF NEED FOR AN EIS**

Based on the above assessment, which has not identified any significant negative impacts from the proposed action, an EIS is not required and an E.A. is the appropriate level of review. The overall impact from the successful completion of the proposed action would provide substantial long term benefits to both the physical and human environment.

#### **XI. PUBLIC INVOLVEMENT**

Public comment on this environmental assessment will be accepted from December 19, 1997 to 5:00 p.m. January 20, 1998. A public meeting on the proposal will be held at 7:00 p.m. At the Best Western Colonial Park Hotel in Helena on January 14, 1998 to solicit public comments. The finalized document and a decision notice will be released to the public by January 23, 1998. The decision notice will be presented to the Fish , Wildlife & Parks Commission for review at its February 5, 1998 meeting. If approved, the proposal will be presented to the Board of Land Commissioners on February 17, 1998.

#### **COMMENTS**

Comments on this environmental assessment should be sent to:

Grady Easement Comments  
930 Custer Ave. W.  
Helena, MT 59620

#### **XII. NAME, TITLE AND PHONE NUMBER OF PERSONS RESPONSIBLE FOR PREPARING THE E.A.**

Craig Fager, Wildlife Biologist, Montana Fish, Wildlife & Parks, Butte, Mt phone (406)494-1953.

Joel Peterson, Wildlife Manager, Montana Fish, Wildlife & Parks, 1400 South 19th, Bozeman, MT 59715; phone (406)994-6936.

Karen Hillstrom, Land Agent, Montana Fish, Wildlife & Parks, 1420 E Sixth Ave., Helena, MT 59620; phone (406)444-3974.

**XIII. PERSONS PROVIDING ASSISTANCE INPUT AND/OR REVIEW DURING PREPARATION OF THE E.A.**

Stephen Lewis, Regional Supervisor, Montana Fish, Wildlife & Parks, 1400 South 19th, Bozeman, MT 59715; phone (406)994-4042.

Steve Knapp, Habitat Bureau Chief, Montana Fish, Wildlife & Parks, 1420 E Sixth Ave., Helena, MT 59620; phone (406)444-2612.

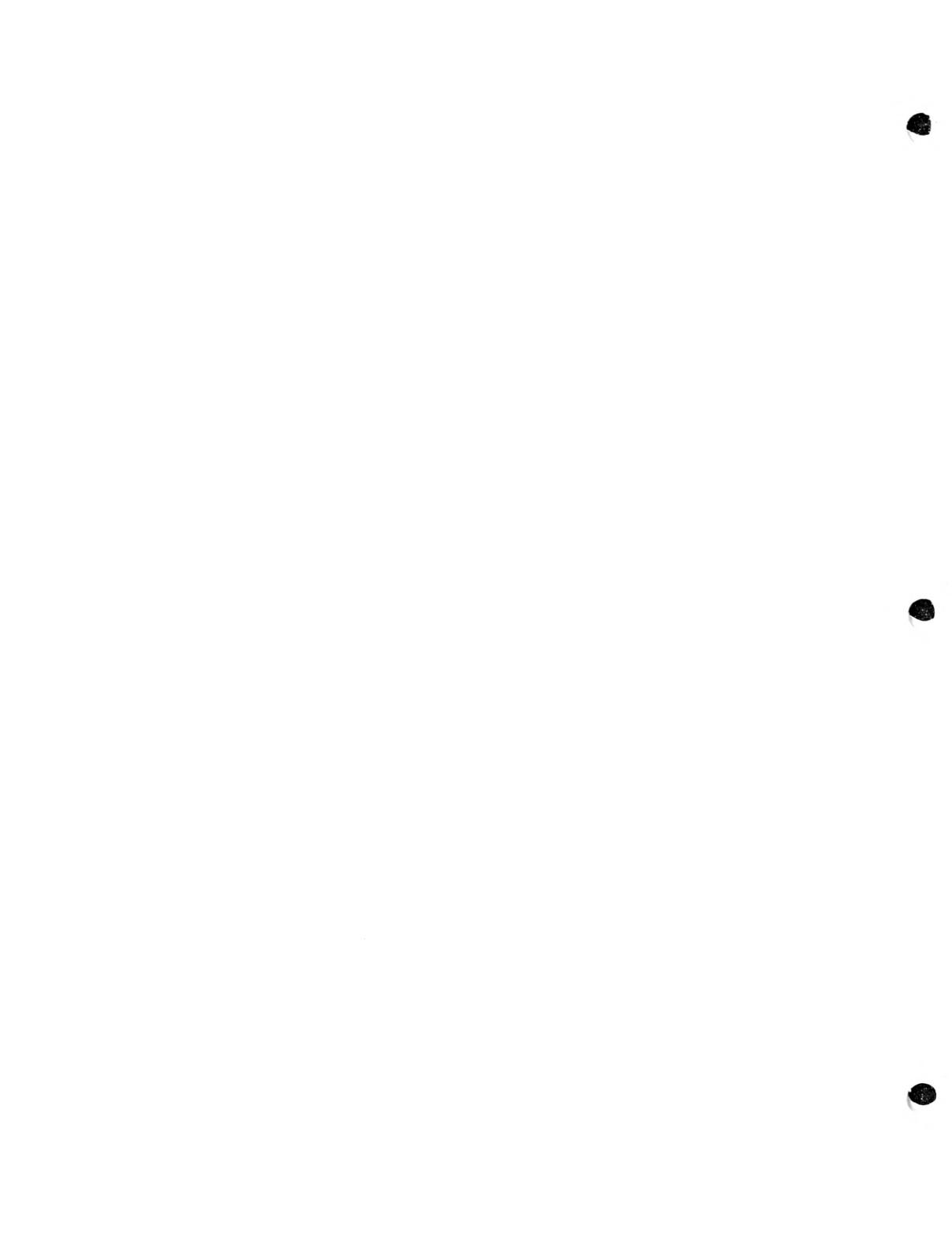
Debra Dills, Lands Staff Supervisor, Montana Fish, Wildlife & Parks, 1420 E Sixth Ave., Helena, MT 59620; phone (406)444-3939.

Michael Korn, Helena Area Coordinator, Montana Fish, Wildlife & Parks, 930 Custer Ave. W., Helena, MT 59620; phone (406)444-4720.

Gayle Joslin, Wildlife Biologist, Montana Fish, Wildlife & Parks, 930 Custer Ave. W., Helena, MT 59620; phone (406)444-4720.

Curt Larsen, Legal Counsel, Montana Fish, Wildlife & Parks, 1420 E Sixth Ave., Helena, MT 59620; phone (406)444-4047

**APPENDIX A**



LANDS LEGACY  
**CONSERVATION  
EASEMENTS:**



PAUL BROWN

# A True Partnership

by STEVE KNAPP

Montana Fish, Wildlife & Parks (FWP) has always had land conservation and management as part of its mission. Without appropriate habitat, wild animals will cease to exist, no matter how many rules and regulations are imposed.

Since the 1940s, direction of the department's wildlife program has been based on Aldo Leopold's fundamental tenet that "game management is the art of making the land produce sustained annual crops of wild game for recreational use." Concurrent with this direction has been development of an active "land program."

Initially, the main objective of the land program was acquisition of critical habitat for game animals—primarily winter range for elk, and nesting and resting areas for



waterfowl. Lands generally were chosen to accommodate a single species or group of species, and developed and managed to enhance these species. Land uses viewed as being in competition with the wildlife resource, such as livestock grazing, were eliminated. The department's wildlife program continued on this path from 1940 until the mid-1970s.

As the wildlife profession continued to grow and mature, wildlife managers learned that different land uses did not have to compete, but could be mutually beneficial. For example, livestock grazing, when managed with a focus on the land and plants, can enhance wildlife production.

Today, FWP's wildlife program still operates on Leopold's tenet, but our approach to making the land produce sustainable crops of wildlife has broadened. Management decisions on wildlife lands now revolve around improving the land's capability for the benefit of many species and uses. In some cases, agreements have been negotiated with private land-owners allowing them to utilize department lands for rest-rotation grazing in return for like habitat management on their own lands. Sharecropping of department-owned agricultural lands is also practiced when it provides benefits to wildlife.

In 1987, the sportsmen and women of Montana proposed legislation to provide a stable, earmarked source of funding for FWP's wildlife habitat acquisition program. The resulting law, referred to as House Bill 526 (today part of a program known as "Habitat Montana"), sets aside approximately \$2.8

million annually in hunting license dollars for habitat conservation.

Although acquiring land in fee title can be effective in conserving important habitats, it can do so for only a relatively small amount of land. Land values and social resistance preclude purchase of extensive acreages. From 1940 through 1990, a period of half a century, the department acquired interest in only about 380,000 acres—less than half of one percent of the state's land area—for wildlife management areas. About half of this was in fee title (complete ownership); the remainder involved leases or other management agreements.

The 1987 Legislature, while recognizing that fee title is a valid tool in some cases, directed the department to use *conservation easements* to conserve wildlife habitat whenever possible. A conservation easement is a legal agreement between a property owner and another entity (in this case, FWP) that restricts the type and amount of development that may take place on the property. In return the landowner receives certain benefits, monetary or otherwise. Each easement's restrictions are tailored to the property, the interests of the landowner, and the interests of the acquiring party.

To better understand the easement concept, think of owning land as holding a bundle of rights. A landowner may sell or give away the whole bundle, or just one or two of these rights—for example, the right to construct buildings or to

## Answers to Common Questions

### Why Grant a Conservation Easement?

People grant conservation easements to protect their land from inappropriate development *while retaining private ownership*. By granting an easement in perpetuity, the owner may be assured that the resource values of his or her property will be protected indefinitely, no matter who the future owners are. Granting an easement can also yield tax savings, as discussed below.

### What Kind of Property Can Be Protected by an Easement?

Any property with significant conservation or historic preservation values can be protected by an easement. This includes forests, wetlands, farms and ranches, endangered species habitat, beaches, scenic areas, historic areas, and more. Land conservation professionals can help you evaluate the relative features of your property.

### Who Can Grant an Easement?

Any owner of property with conservation or historic resources may grant an easement. If the property belongs to more than one person, all owners must consent. If the property is mortgaged, the owner must obtain an agreement from the lender to subordinate its interests to those of the easement holder so that the easement cannot be extinguished in the event of foreclosure.

### How Restrictive is an Easement?

An easement restricts development to the degree that is necessary to protect the significant values of that property. Sometimes this prohibits construction, sometimes it doesn't.

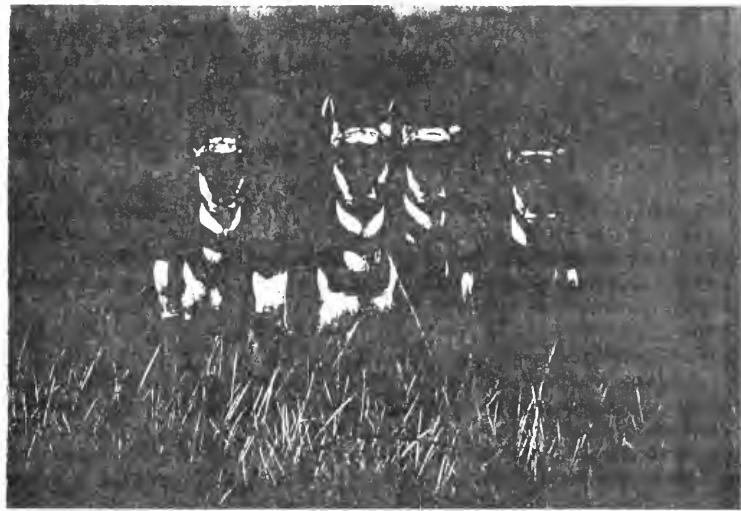
If the goal is to preserve a pristine natural area, for example, an easement may prohibit all construction, as well as activities that would alter the land's present natural condition. If the goal is to protect farm or ranch land, however, an easement may restrict subdivision



DAVE BROWN

# A

conservation easement is an agreement restricting the type and amount of development that may take place on a property. In return the landowner receives certain benefits, monetary or otherwise.



MIKE BARLOW

subdivide the land. By giving up certain rights or agreeing to certain restrictions, a property owner grants an easement. By purchasing an easement, FWP can ensure that activities detrimental to wildlife (e.g., subdividing or sodbusting) do not take place, that public access is allowed, and that management

practices beneficial to wildlife are used.

After the 1987 legislature directed FWP to endeavor to use easements, the department engaged consultants to ask the public what it expected from the habitat program. The results were incorporated in the Fish, Wildlife & Parks

and development while allowing for structures and activities necessary for and compatible with the agricultural operation. *Even the most restrictive easements typically permit landowners to continue traditional uses of the land.*

#### How Long Does an Easement Last?

An easement can be written so that it lasts forever. This is known as a perpetual easement. Where state law allows, an easement may be written for a specified period, and this is known as a term easement. Only gifts of perpetual easements, however, can qualify a donor for income and estate tax benefits. Most conservation organizations accept only perpetual easements.

An easement runs with the land—that is, the original owner and all subsequent owners are bound by the restrictions of the easement. The easement is recorded at the county or town records office so that all future owners and lenders will learn about the restrictions when they obtain title reports.

#### What Are the Grantee's Responsibilities?

The organization or agency receiving the easement is responsible for enforcing the restrictions that the easement document spells out. To do this, the agency monitors the property typically once a year, usually accompanied by the owner. They determine whether the property remains in the condition prescribed by the easement and documented at the time of the grant. If a monitoring visit reveals that the easement has been violated, the agency has the right to require the owner to correct the violation.

#### How Can Donating an Easement Reduce a Property Owner's Income Tax?

The donation of a conservation easement is a tax-deductible charitable gift, provided that the easement is perpetual and is donated "exclusively for conservation purposes" to a qualified conservation organization or public agency. Internal Revenue Code Section 170(h) generally defines "conservation purposes" to include the following:

- The preservation of land areas for outdoor recreation by, or the education of, the general public.
- The protection of relatively natural habitats of fish, wildlife, or plants, or similar ecosystems.
- The preservation of open space—including farmland and forest land—for scenic enjoyment or pursuant to an adopted governmental conservation policy; in either case, such open space preservation must yield a significant public benefit.
- The preservation of historically important land areas or buildings.

To determine the value of the easement donation, the owner has the property appraised both at its fair market value without the easement restrictions and at its fair market value with the easement restrictions. The difference between these two appraised values is the easement value. Detailed federal regulations govern these appraisals.

*Adapted with permission from The Conservation Easement Handbook, by Janet Diehl and Thomas S. Barrett.*

Commission's "Habitat Montana" policy, which calls for services and benefits that:

- Conserve and enhance land, water, and wildlife.
- Contribute to hunting and fishing opportunities.
- Provide incentives for habitat conservation on private land.
- Contribute to nonhunting recreation.
- Promote habitat-friendly agriculture.
- Maintain the local tax base through payments in lieu of taxes for real estate, while demonstrating that productive wildlife habitat is compatible with agriculture and other land uses.

To see how the conservation easement process works, let's look at an example in which FWP worked with a landowner to obtain easements on three distinct properties totaling about 40,000 acres in four eastern Montana counties (for details, see "Good Deeds Without Deeds," *Montana Outdoors*, September/October 1994). The landowner, who had cooperated with FWP on habitat projects and had been involved in the block management (hunting access) program, wanted to increase his land base for livestock operations. He saw an opportunity to do this through acquisition of an FWP parcel with conservation easements already attached. The department, in turn, saw an opportunity to conserve sagebrush-grassland and riparian habitats on this landowner's holdings and provide public hunting recreation in perpetuity. The parties began to talk, negotiate, ponder, and discuss. The terms finally agreed upon are somewhat different for each property, but they are primarily as follows:

**Landowner rights.**—The landowner retains all rights not specifically restricted.

**Restrictions on landowner activities.**—(1) Removal of sagebrush is prohibited; (2) subdivision of the ranch is prohibited, except for agricultural purposes; (3) additional building is restricted; (4) game farming is prohibited; (5) additional cultivation of rangeland is prohibited; (6) renting, leasing, or sale of access to the land for hunting purposes is prohibited.

**Department rights.**—(1) The right to permanently preserve, protect, and enhance wildlife habitat, particularly sagebrush-grassland vegetation, through use of a rest-rotation grazing plan; (2) the right to enter the land to enforce the restrictions, and to establish and maintain vegetation monitoring transects and enclosures; (3) the right to provide for and manage, in coordination with the landowner, public access for hunting.

The fact that the landowner agreed to these terms implies that he gained what he wanted and felt reasonably comfortable with what the department wanted. How well did the easements meet the goals of the Fish, Wildlife & Parks Commission's Habitat Montana policy? Let's look.

- Land, water, and wildlife is conserved and enhanced by prohibitions on sodbusting and subdividing. The game farming prohibition prevents potential conflict with wildlife.
- Hunting access is provided in perpetuity.

- The grazing system—the primary habitat conservation provision—ensures that healthy sagebrush/grassland vegetation is available to wildlife in perpetuity.
- Nonhunting recreation is not part of this particular easement.
- Habitat-friendly agriculture, through the rest-rotation grazing system, is promoted.
- County tax bases are not affected.

It appears the terms for these properties generally fulfill the needs of the landowner and follow Commission policy. The landowner retains and expands a viable agricultural operation, and the land is kept in a traditional pattern of use that benefits wildlife. The department conserves wildlife habitat over the long term and sportsmen and women enjoy the fruits of a program funded by their license money.

In another 3,000-acre conservation easement negotiated by FWP in 1994, provisions benefiting wildlife and recreationists were established for a portion of the Mannix Ranch near Helmville. When asked recently how he felt about the easement package for his ranch, David Mannix said, "It has worked out real well for us so far and we'd do it again in a heartbeat if the opportunity arose." Mannix acknowledged there is much to consider before completing a transfer that will affect a family property forever. "There's still a lot of water to go under the bridge and land management decisions to be made in partnership within the terms of the easement," he said.

County officials, too, see advantages to the program. For example, Jefferson County Commission Chairman Leonard Wortman has voiced support for a 7,000-acre easement recently completed for the Keogh Ranch north of Whitehall.

"I can't see anything but benefits to the whole area," he said. "The project was an excellent idea and location."

This, then, is how conservation easements work. They do not take land out of private ownership and do not reduce county taxes. The easement terms are voluntarily agreed upon by both parties—a true partnership ■



# Winter Ranges for Elk and Deer: Victims of Uncontrolled Subdivisions?

Robert E. Henderson

Amy O'Herren

Elk and deer, like other terrestrial wildlife, are products of the land. As such, their fortunes depend on what happens to the land. During the past 20 years, efforts to protect wildlife habitat have focused primarily on public lands, which account for much of the acreage in the West. Legislation like the National Forest Management Act and the National Environmental Policy Act requires federal and state land management agencies to adopt plans and guidelines to protect habitat on most public lands into the future.

Protection of public lands alone, however, will not sustain present numbers of deer and elk. After spending summer and fall on high-elevation public land, most elk and deer migrate to winter/spring habitat at low elevations, often on private lands. Consequently, much of the winter range essential to these species has little assurance of protection.

Montana is typical of many Western states, where changes in use of private lands are changing the landscape and wildlife habitat. The most perilous change for wild ungulates is the conversion of relatively large agricultural holdings to relatively small residential tracts. Urbanization began in Montana valleys in the late 19th century. Now, in the late 20th century, residential developments are spreading into the low-elevation foothills, where range and forestlands provide essential winter/spring habitat for elk, mule deer, white-tailed deer and other wildlife. Prop-



Photo: Paul Begins

erty rights issues and numerous landowners make it difficult to develop policies, programs and strategies to protect wildlife habitat on private property. How the land is used varies with changes in ownership and with modifications in owners' objectives.

Neither the problem nor recognition of it is new. In the wake of unregulated subdivision development, the Montana legislature passed the Subdivision and Platting Act of 1973. The law's intent was to provide a formal process for subdividing properties. After reviewing the 1973 act, Kiesling and Schneider (1978)

reported that, in spite of subdivision laws, the rate of subdivision had increased, and "the fate of much valuable wildlife habitat and agricultural land hangs in balance." They further observed that, "rural subdivision and wildlife don't mix."

Development of private land cannot be expected to stop. Yet a variety of tools—subdivision design, land exchange, conservation easements—is available to protect habitat on private land. Dialogue with landowners can help identify which of these is most compatible with owners' objectives and protect lands of the greatest value to wildlife.

This article focuses on the Missoula Valley in western Montana, which supports growing urban and rural human populations and considerable numbers of wild ungulates. Here, some winter/spring habitat has already been converted to housing developments. Yet three winter ranges near Missoula still support more than 300 elk, numerous mule deer, white-tailed deer and other species. An examination of the situation in this area can illustrate the problems and possible solutions associated with development in many Western communities.

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Any wildlife species' abundance, distribution and health depend on the quality and quantity of available habitat. Organisms of all kinds conform to this principle. Each species is at once defined by and dependent on a range of environmental variables and environmental forces, and the organisms that depend on them vary temporally and spatially. Habitat changes that favor one species are often detrimental to another. For example, wildfires or clearcutting of a coniferous forest might severely reduce pine squirrel populations, but the resulting open habitat could be a bonanza for Columbian ground squirrels. Likewise, construction of houses on a grassy slope may benefit humans by providing shelter and other necessities, but the elk and deer that live there may experience an irretrievable loss of forage, cover and security.

Several studies provide some insight into the effects of subdivision on wildlife. Hayden (1975) studied the impact of rural subdivision on several wildlife species around Lolo, a small community 10 miles south of Missoula. He noted that rural residential development is most likely on properties that include a stream running through a valley or on adjacent, low-elevation hillsides. He also observed that



Regulations do not always mean protection, once wildlife habitat is removed, the ecological system can be altered forever. Photo: Amy and Pat O'Herren

these areas support a great diversity of vegetative and wildlife communities.

In such areas, road and home construction destroys some habitats outright. Development may remove or alter native vegetation and introduce exotic plants. Hayden found that cover is the wildlife requirement most jeopardized by rural subdivision: Interspersion and size of cover types are changed, and stages of succession are altered.

Pac and Mackie (1981) observed that in addition to cover, food and water, space—simply room to live—was required by free-ranging mule deer populations in the Gallatin Valley. As urbanization moved from valleys into mountains and foothills, it usurped the space necessary for deer and other wildlife. Vogel's (1983) study in the Bozeman Valley found that as house density approached four to eight homes per square kilometer, deer numbers began to decline dramatically.

Some species are more sensitive than others to residential development. In the Lolo study, elk, deer, moose, ducks, grouse, beaver and muskrat declined, while coyotes, red foxes, skunks, starlings and English sparrows did well in rural subdivisions (Hayden 1975). White-tailed deer were better able to use developed winter range near Bozeman than mule deer (Vogel 1983).

In addition to the physical changes in a developed area, land developments

alter the quality of wildlife habitat in nearby undeveloped areas. Domestic pets and livestock often roam beyond the boundaries of the development. Both authorized and unauthorized use of nearby lands frequently increases. The resulting human disturbance can interrupt and displace the movement of both mule deer (Reed 1981) and elk (Weybright 1983) from summer to winter range. Displacement from favored resting, nesting and foraging sites can also occur (Hayden 1975). Mule deer and white-tailed deer exhibited more nocturnal behavior in and near subdivisions than on more secluded winter ranges (Vogel 1983).

The importance of winter habitat is well documented. Large ungulates seek out low elevations in winter months, when temperatures are at annual lows, palatable forage is scarce, and movement is difficult. Even at low elevations, the animals' fat reserves are depleted because the energy required to maintain life exceeds the energy provided by available forage. To a certain extent, deer and elk can reduce their energy expenditures through improved insulation, lowered metabolic rates and energy-efficient behavior. An individual's health and survival during this period depend on the rate at which energy is expended and the amount of energy available to it.

From a population standpoint, the number of deer and elk able to survive

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this period depends on the availability of habitats where environmental stress is minimal and forage is available. Winter die-offs are well-known in Montana, when prolonged cold temperatures and deep snows are combined with a limited quantity or quality of winter habitat.

In the spring, when temperatures rise and snow recedes, deer and elk often seek even lower elevations with more southern exposure and less cover, because these are the first to produce new green foliage. Wild ungulates in Montana have evolved reproductive strategies to take advantage of the spring "green-up." After breeding in the fall, deer, elk, moose, sheep and goats have gestation periods that last until parturition in May and June. By April, 180 days into gestation, an elk fetus weighs nearly 5.5 pounds (Morrison et al. 1959). By parturition in June, after about 250 days of development, the newborn calf will weigh more than 35 pounds (Johnson 1951). With over 70 percent of fetal growth taking place during the spring green-up, the importance of spring habitat cannot be overstated. The health and weight of the newly born calf reflects its mother's ability not only to survive the winter, but also to consume large quantities of protein-rich, green forage during the spring.

Consequently, these habitats, where winter exerts such an influence on mortality rates and where spring so strongly affects birth rates, are doubly important to large wild ungulates.

Most deer and elk populations have a yearlong range many times the size of the winter/spring range. Population densities on these summer ranges, often quite far from those used in the winter, will also depend on the quantity and quality of winter/spring habitat.

Conservation efforts sometimes focus too narrowly on scenic public lands and do not provide adequate habitat protection for large, free-ranging species like elk and deer. An emerging scenario in the Missoula Valley illustrates this point.

Two winter/spring ranges on the north edge of Missoula, already diminished by development, still support about 200 elk and numerous mule deer. Radio telemetry studies by Weybright (1983) indicate that these animals move north to a summer range of more than 140 square miles, much of it in the Rattlesnake

National Recreation Area and Wilderness. Most of the remaining winter range is privately owned and managed for livestock production. With human population pressures and changing market conditions, land divisions and developments may eventually reduce the winter range from its current 10 square miles to a handful of publicly owned acres. It would be ironic if the 10-year, multi-million-dollar effort to establish the Rattlesnake Wilderness Area produced fewer elk and deer, simply because of inadequate protection for winter/spring habitat on private land near Missoula.

The same winter/spring range, so important to deer and elk populations, hosts a variety of wildlife. Passerine birds seek out these areas, and a variety of ground-dwelling and avian predators congregate there because of the availability of prey. Spring is just as important for other species. Blue grouse court and nest in these areas. Black bears and grizzlies seek out carrion and the emerging grasses and forbs that become available first in the winter/spring ranges.

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Many people choose to live in rural developments to be closer to nature. As Jonkel and Demarchi (1984) observed in subdivisions in grizzly bear habitat, developments expose a constant stream of inexperienced people and their property to wildlife. Conflicts inevitably arise. Residents tend to view physically attractive and non-threatening wildlife species as valuable. Songbirds, squirrels and, to a point, deer are generally popular. But other species are often seen as pests. Coyotes, skunks, bears, bats, deer, cougar, beaver and woodpeckers are often viewed as problems and unwanted in the neighborhood.

State wildlife agencies now spend much of their time responding to frustrated, angry or frightened citizens complaining about nuisance wildlife. Arrandale (1991) reports that this is a nationwide trend, associated with urbanization of the country's wildlands. Region 2 of the Montana Department of Fish, Wildlife and Parks encompasses six counties, but more than 50 percent of both black bear and cougar complaints have come from people living in or near the

Missoula city limits. Although many residents are tolerant of deer, Region 2 distributes more than five tons of blood meal to homeowners who want to deter browsing of their gardens, trees and shrubs.

The techniques and resources available for addressing these conflicts are limited and sometimes controversial, and they reduce the money and manpower needed for other management and law enforcement programs. Moreover, these efforts are supported by funds from hunting license sales, an irony not lost on sportsmen who are no longer allowed to hunt in these areas.

Yet wildlife adds to the marketability of residential developments. In a Missoula development along Rattlesnake Creek, the developers dismissed many opportunities to enhance wildlife habitat. After that habitat was removed during construction, the same developer promoted the subdivision as a place to view "... osprey catching fish, deer with fawns in the morning and evening, woodpeckers, raccoons, the sound of rippling water."

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The perception that wildlife habitat occurs only on public land is common but untrue. At least 80 percent of wildlife in the United States, excluding Alaska, depends on private land for essential cover, forage and security (Operation Stronghold 1991). The predominant use of these private lands is agricultural. Agricultural lands in western Montana include not only croplands, but also pastures, range, forest, riparian vegetation and wetlands.

About one million acres of agricultural land are permanently lost to development each year (U.S. Department of Agriculture 1981). As the demand for American farm products increases, so will the need for acreage. Marginal lands currently classified as cropland reserves will receive more pressure for intense agricultural development. Many of these "reserves" have thin soil, are located on steep slopes and lack the necessary moisture for productive farming. In addition, some marginal lands contain sensitive natural areas such as wetlands and bottomland forest. Cultivation of these lands has

serious impacts on the environment, ranging from increased erosion and siltation to removal of vital wildlife habitat.

In the past 10 years, Montana lost almost two percent (1.2 million acres) of its agricultural land base. This may seem insignificant considering the size of the state: 93 million acres, with 60,300,000 acres in agricultural use. However, there has been little evaluation of where these lands were lost and their possible wildlife impacts. If Montana follows national trends, prime farmland and, with it, prime wildlife habitat will be lost.

Agricultural lands are often converted to residential areas. Hayden (1975) reported that between 1963 and 1973, the area in suburban tracts increased from 36,501 to 289,876 acres in Montana, a 790 percent increase.

Wildlife habitat is most often lost when large, single-owner tracts of agricultural lands are subdivided. Under the 1973 Montana Subdivision and Platting Act, "subdivision" is defined as any division of land that creates one or more parcels containing less than 20 acres. The act requires that county government review some of these subdivisions to ensure compliance with state and local regulations, but it also grants numerous exemptions to the review process. The most often used include:

- **Acreage exemption.** Parcels 20 acres or larger are exempt.
- **Family conveyance.** Parcels of any size may be given or sold without review to members of the landowner's immediate family.
- **Occasional sale.** Landowners may sell one parcel of land of any size once a year. This definition has been interpreted to apply only to the land and not to the landowners. For example, a person owning two parcels can make one occasional sale per parcel per year.
- **Remainder sale.** The sale of a parcel "left over" from another land division is exempt from review. For example, a 12-acre parcel is split into two five-acre lots; the remaining two-acre parcel can be sold through a remainder sale (Mangiameli 1991).

With exemptions, de facto subdivisions are created without review of possible



The desire to be close to nature increasingly puts people into conflict with wildlife. Photo: Robert Henderson

impacts. In a recent example, a 20-acre parcel was created through the acreage exemption, then split into seven parcels, ranging from 11.96 acres to .9 acres, through a court order and use of the occasional sale and family conveyance exemptions. This process took only 30 days.

The subdivision review process allows some mitigation for impacts to conservation resources, while exemptions do not require any attempt to avoid or limit possible negative impacts on natural resources. In some cases, exemptions result in moderate home densities spread over considerable acreage. In others, they may be the first step toward a high-density subdivision, setting a precedent for further development.

Most subdivisions do not go through the review process. Of the almost 4,400 acres subdivided in Missoula County in 1987, only 186 went through the public review process. In the first nine months of 1991, 207 acres were reviewed, while 2,880 acres were surveyed through exemptions (Missoula County 1991). From 1987 through September 1991, only five percent of the 18,336 acres divided and subdivided in the county were formally reviewed. Even after review, counties may approve subdivisions that will destroy important wildlife habitat (Kiesling and Schneider 1978).

Reviewed or not, subdivision and subsequent habitat changes are often insidious, with one apparently minor development eventually followed by

another. Since changes in the process are piecemeal, the significance of the accumulating habitat losses is seldom understood until little is left to protect.

The pattern of legal approval of habitat loss can change. In 1985, the Missoula County Commissioners directed their rural planning staff to create a natural resource planning program for the county. Initially, the program hired a consultant to complete an inventory of natural and cultural resources in Missoula County. The staff received training in conservation land-use techniques, and the commissioners began to incorporate this information into land use decisions.

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When local governments include adequate natural resource information, the subdivision review process can result in designs that minimize habitat loss. Unfortunately, not all county governments include information such as wildlife habitat in their decisions on land use. But there are other habitat protection techniques available to institutions, conservationists and landowners.

The most successful programs are the acquisition and lease of important habitats by state wildlife and federal natural resource agencies. The Montana Department of Fish, Wildlife and Parks, U.S. Fish and Wildlife Service, Forest Service, Bureau of Land Management and National Park Service have funds for habitat protection and the expertise to manage habitat. Local examples include



Once land is privately advertised, chances for natural resource protection are reduced. Photo: Amy and Pat O'Heron

Montana's acquisition and lease of more than 60,000 acres of winter range in the Blackfoot-Clearwater Wildlife Management Area, acquisition of the Lee Metcalf National Wildlife Refuge for wetland protection and development by the U.S. Fish and Wildlife Service, and establishment of the streamside Rattlesnake Greenway with Land and Water Conservation Funds administered by the Forest Service.

The conservation easement is a recent and promising way to protect wildlife habitat on private lands. A conservation easement is a legal agreement made by a landowner to restrict certain uses of a site in order to conserve natural resources. Donors of an easement retain title to the property. Easements are tailored to the property and the interests of the individual owner. For example, an easement could incorporate a plan to enhance old-growth forest and provide income for the landowner.

People grant conservation easements to protect their land from inappropriate development and still retain ownership. The owners then know that the property's resource values will be protected indefinitely, regardless of any new owner's objectives.

Easement donors who wish to claim tax benefits for the gift must donate or sell it for less than fair market value to a

public agency or a qualified organization (as defined under Internal Revenue Code Section 501(c)(3)). The easement must be granted in perpetuity and contain at least one of the following conservation purposes:

- The preservation of land areas for outdoor recreation by, or the education of, the general public
- The protection of a relatively natural habitat of fish, wildlife, plants or ecosystems
- The preservation of open space, including farmland and forestland, for the scenic enjoyment of the general public
- The preservation of an historically important land area or a certified historic structure (Diehl and Barrett 1988).

Baseline data documenting the conservation values of the property must be collected before the easement can be donated.

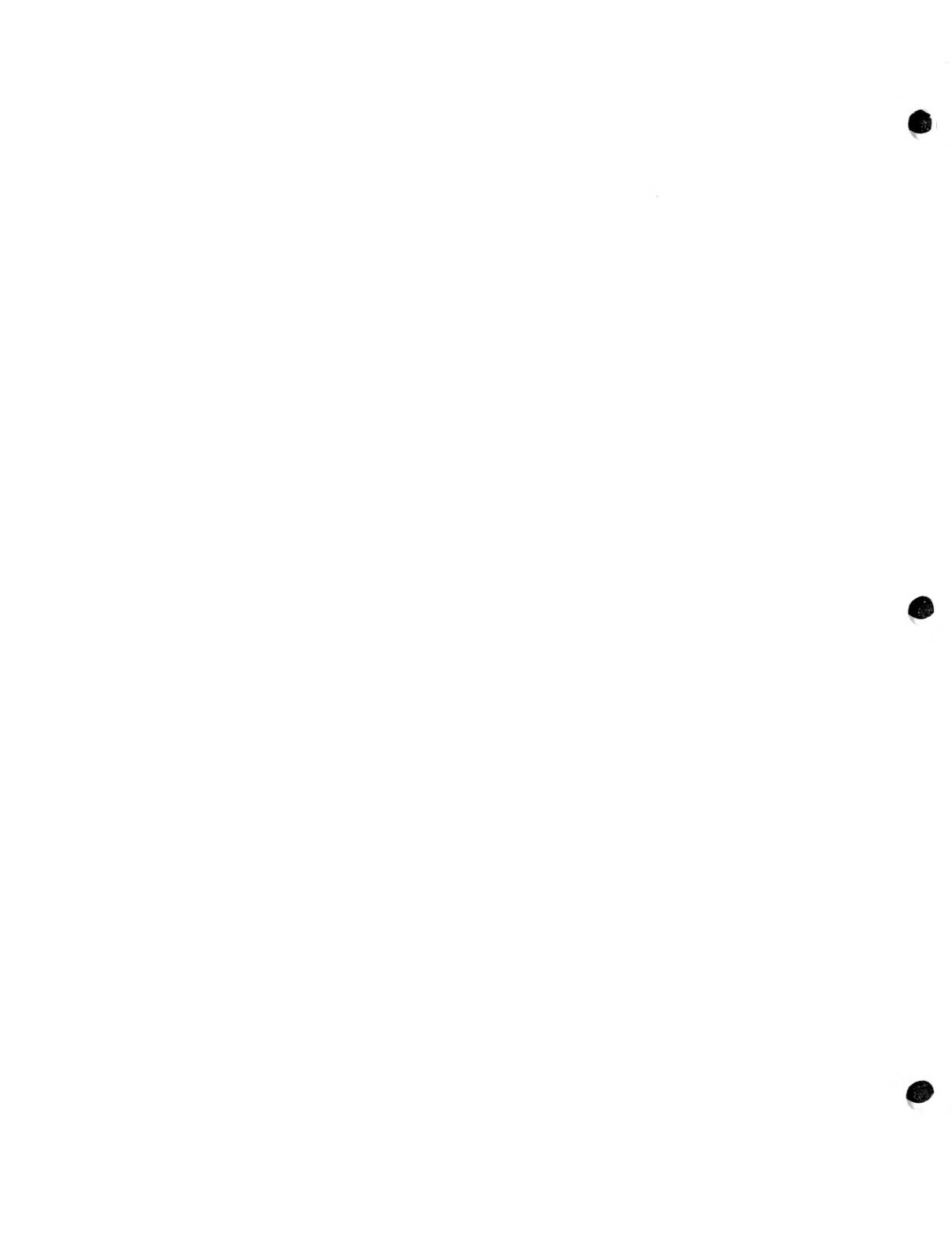
Particularly important to the success of a conservation easement is the development and enforcement of a monitoring plan. Most organizations establish a stewardship fund, and landowners are often asked to contribute at the time of the easement donation. In most cases, inspections are done annually to document the condition of the property.

The first attempt in Montana to get legislative recognition of conservation easements was made in 1974, by landowners along the Blackfoot River in Missoula County (Knight and Dyc 1981). They developed a sophisticated management plan, which included the use of conservation easements, to address increased recreational use and residential development. However, the plan could not be implemented because state law contained no definitions of easements or how and to whom they could be granted.

The lobbying efforts of the Blackfoot group and other organizations led to enactment of the Montana Open Space and Voluntary Conservation Easement Act of 1975, which provided the legal foundation for the Blackfoot River program and similar programs throughout the state. To date, 14 easements have been created along the river, protecting scenic and ecological resources on more than 2,870 acres.

A notable example of how a combination of tools can be applied in one project is the Grant Creek Ranch near Missoula. The owners, Grant Creek Associates, decided to subdivide less critical portions of the ranch and donated more than 500 acres of elk and deer winter range to the National Wildlife Federation. The owners retained livestock grazing but granted a conservation easement to the NWF for an additional 1,500 acres of winter/spring habitat. Restrictions of the easement include prohibition of subdivision and building of new homes, mineral exploration, new road building and removal of raptor nest trees. Any timber harvested on the property must follow a specific management plan to avoid impacts on water quality, wildlife habitat and aesthetic values. Over 100 head of elk benefit from this creative plan, which included subdivision design, conservation easement and transfer of deed.

Another land preservation tool is the conservation bond. In 1980, Missoula residents voted to create a \$500,000 bond to purchase important scenic open space. The three areas identified for acquisition included two mountains bordering the town — Mount Sentinel and Mount Jumbo — and lands along the Clark Fork River, which flows through town. The city has acquired a 500-acre easement on



**APPENDIX B**



The wildlife species listed below are either known by FWP to occur in this area or are derived from database searches of species occurrence catalogued by the Montana Natural Heritage Program for Quarter Lati-Long (QLL) 27B for the period 1991-1995 and for LL 27 prior to 1991.

### ANIMAL SPECIES LIST - GRADY CREEK CONSERVATION EASEMENT

(Abundance classes are: C=Common, O=Occasional, R=Rare. Observance is Y for observed, N for not observed but assumed present based on habitat and local experience, U for Unknown.

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	OBSERVED
<b>MAMMALS</b>			
<i>Canis latrans</i>	Coyote	C	Y
<i>Canis lupus</i>	Gray Wolf	O	N
<i>Castor canadensis</i>	American Beaver	R	Y
<i>Cervus elaphus</i>	Elk	C	Y
<i>Clethrionomys gapperi</i>	Southern Red-backed Vole	O	N
<i>Cynomys ludovicianus</i>	Black-tailed Prairie Dog	R	N
<i>Eptesicus fuscus</i>	Big Brown Bat	U	N
<i>Erethizon dorsatum</i>	Common Porcupine	C	Y
<i>Felis concolor</i>	Mountain Lion	O	Y
<i>Felis lynx</i>	Lynx	R	N
<i>Glaucomys sabrinus</i>	Northern Flying Squirrel	O	N
<i>Gulo gulo luscus</i>	North American Wolverine	O	N
<i>Lasiurus cinereus</i>	Hoary Bat	U	N
<i>Lepus americanus</i>	Snowshoe Hare	O	Y
<i>Lepus townsendii</i>	White-tailed Jack Rabbit	O	N
<i>Lynx rufus</i>	Bobcat	O	N
<i>Marmota flaviventris</i>	Yellow-bellied Marmot	O	N
<i>Marmota caligata</i>	Hoary Marmot	R	N
<i>Martes americana</i>	American Marten	O	N
<i>Microtus longicaudus</i>	Long-tailed Vole	O	N
<i>Microtus montanus</i>	Montane Vole	C	N
<i>Microtus pennsylvanicus</i>	Meadow Vole	C	N
<i>Microtus richardsonii</i>	Water Vole	O	N
<i>Mustela erminea</i>	Ermine	U	N
<i>Mustela frenata</i>	Long-tailed Weasel	U	N
<i>Mustela nivalis</i>	Least Weasel	U	N
<i>Mustela vison</i>	Mink	U	N
<i>Myotis lucifugus</i>	Little Brown Myotis	C	N
<i>Myotis volans</i>	Long-legged Myotis	U	N
<i>Neotoma cinerea</i>	Bushy-tailed Woodrat	C	N
<i>Ochotona princeps</i>	American Pika	R	N
<i>Odocoileus hemionus</i>	Mule deer	C	Y
<i>Odocoileus virginianus</i>	White-tailed deer	C	Y
<i>Ondatra zibethicus</i>	Muskrat	O	Y
<i>Onychomys leucogaster</i>	Northern Grasshopper Mouse	U	N
<i>Peromyscus maniculatus</i>	Deer Mouse	C	N
<i>Phenacomys intermedius</i>	Heather Vole	U	N

<i>Sylvilagus nuttallii</i>	Mountain Cottontail	O	Y
<i>Sorex cinereus</i>	Masked Shrew	U	N
<i>Spermophilus columbianus</i>	Columbian Ground Squirrel	C	Y
<i>Spermophilus lateralis</i>	Golden-mantled Ground Squirrel	O	N
<i>Spermophilus richardsonii</i>	Richardson's Ground Squirrel	U	N
<i>Spermophilus tridecemlineatus</i>	Thirteen-lined Ground Squirrel	U	N
<i>Synaptomys borealis</i>	Northern Bog Lemming	U	N

TABLE (Continued)

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	OBSERVED
<b>MAMMALS</b>			
<i>Tamias amoenus</i>	Yellow-pine Chipmunk	C	Y
<i>Tamias umbrinus</i>	Red-tailed Chipmunk	C	N
<i>Tamiasciurus hudsonicus</i>	Red Squirrel	C	Y
<i>Taxidea taxus</i>	American Badger	O	Y
<i>Thomomys talpoides</i>	Northern Pocket Gopher	C	Y
<i>Ursus americanus</i>	Black Bear	C	Y
<i>Ursus arctos horribilis</i>	Grizzly Bear	O	N
<i>Vulpes vulpes</i>	Red Fox	O	N
<i>Zapus princeps</i>	Western Jumping Mouse	U	N
<i>Mephitis mephitis</i>	Striped skunk	U	N
<b>BIRDS</b>			
<i>Accipiter cooperii</i>	Cooper's Hawk	O	N
<i>Accipiter gentilis</i>	Northern Goshawk	R	N
<i>Accipiter stratus</i>	Sharp-shinned Hawk	O	N
<i>Aetus macularia</i>	Spotted sandpiper	R	N
<i>Aegolius acadicus</i>	Northern Saw-whet Owl	O	N
<i>Aegolius funereus</i>	Boreal Owl	R	N
<i>Agelaius phoeniceus</i>	Red-winged Blackbird	O	N
<i>Ammodramus bairdii</i>	Baird's Sparrow	U	N
<i>Anas americana</i>	American Wigeon	U	N
<i>Anas clypeata</i>	Northern Shoveler	U	N
<i>Anas cyanoptera</i>	Cinnamon Teal	U	N
<i>Anas discors</i>	Blue-winged Teal	U	N
<i>Anas platyrhynchos</i>	Mallard	R	N
<i>Aquila chrysaetos</i>	Golden Eagle	O	Y
<i>Ardea herodias</i>	Great Blue Heron	R	N
<i>Asio flammeus</i>	Short-eared Owl	O	N
<i>Asio otus</i>	Long-eared Owl	U	N
<i>Bombycilla cedrorum</i>	Cedar Waxwing	O	N
<i>Bombycilla garrulus</i>	Bonhemian Waxwing	O	N
<i>Bonasa umbellus</i>	Ruffed Grouse	C	Y
<i>Branta canadensis</i>	Canada Goose	R	N
<i>Bubo virginianus</i>	Great Horned Owl	C	Y
<i>Buteo jamaicensis</i>	Red-tailed Hawk	C	Y
<i>Buteo lagopus</i>	Rough-legged Hawk	C	Y
<i>Buteo regalis</i>	Ferruginous Hawk	U	N
<i>Buteo swainsoni</i>	Swainson's Hawk	U	N
<i>Calamospiza melanocorys</i>	Lark Bunting	U	N
<i>Calcarius lapponicus</i>	Lapland Longspur	U	N
<i>Carduelis flammea</i>	Common Redpoll	U	N
<i>Carduelis hornemanni</i>	Hoary Redpoll	U	N
<i>Carduelis pinus</i>	Pine Siskin	C	Y
<i>Carduelis tristis</i>	American Goldfinch	C	N
<i>Carpodacus cassini</i>	Cassin's Finch	R	N
<i>Carpodacus mexicanus</i>	House Finch	U	N

TABLE 2 (CONT.)

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	OBSERVED
<i>Carpodacus purpureus</i>	Purple Finch	U	N
<i>Cathartes aura</i>	Turkey Vulture	O	Y
<i>Catharus fuscescens</i>	Veery	C	N
<i>Catharus guttatus</i>	Hermit Thrush	C	Y
<i>Catharus ustulatus</i>	Swainson's Thrush	C	N
<i>Certhia americana</i>	Brown Creeper	C	N
<i>Ceryle alcyon</i>	Belted Kingfisher	O	Y
<i>Charadrius vociferus</i>	Killdeer	C	Y
<i>Chondestes grammacus</i>	Lark Sparrow	U	N
<i>Chordeiles minor</i>	Common Nighthawk	C	Y
<i>Cinclus mexicanus</i>	American Dipper	R	N
<i>Circus cyaneus</i>	Northern Harrier	U	N
<i>Coccothraustes vespertinus</i>	Evening Grosbeak	C	N
<i>Colaptes auratus</i>	Norther Flicker	U	N
<i>Colaptes auratus</i>	Red-shafted Flicker	C	Y
<i>Columba livia</i>	Rock Dove	O	Y
<i>Contopus borealis</i>	Olive-sided Flycatcher	O	Y
<i>Contopus sordidulus</i>	Western Wood-pewee	U	N
<i>Corvus brachyrhynchos</i>	American Crow	C	Y
<i>Corvus corax</i>	Common Raven	C	Y
<i>Cyanocitta cristata</i>	Blue Jay	U	N
<i>Cyanocitta stelleri</i>	Steller's Jay	C	Y
<i>Dendragapus canadensis</i>	Spruce Grouse	U	N
<i>Dendragapus obscurus</i>	Blue Grouse	C	Y
<i>Dendroica townsendi</i>	Townsend's Warbler	U	N
<i>Dendroica coronata</i>	Yellow-rumped Warbler	C	Y
<i>Dendroica magnolia</i>	Magnolia Warbler	U	N
<i>Dendroica nigrescens</i>	Black-throated Gray Warbler	U	N
<i>Dendroica petechia</i>	Yellow Warbler	U	N
<i>Dolichonyx oryzivorus</i>	Bobolink	U	N
<i>Dryocopus pileatus</i>	Pileated Woodpecker	R	N
<i>Dumetella carolinensis</i>	Gray Catbird	U	N
<i>Empidonax hammondi</i>	Hammond's Flycatcher	U	N
<i>Empidonax minimus</i>	Least Flycatcher	U	N
<i>Empidonax oberholseri</i>	Dusky Flycatcher	U	N
<i>Empidonax occidentalis</i>	Cordilleran Flycatcher	U	N
<i>Empidonax traillii</i>	Willow Flycatcher	U	N
<i>Eremophila alpestris</i>	Horned Lark	O	Y
<i>Euphagus cyanocephalus</i>	Brewer's Blackbird	C	Y
<i>Falco columbarius</i>	Merlin	R	N
<i>Falco columbianus</i>	Prairie Falcon	R	N
<i>Falco peregrinus</i>	Peregrine Falcon	U	N
<i>Falco sparverius</i>	American Kestrel	C	Y
<i>Geothlypis trichas</i>	Common Yellowthroat	R	N
<i>Glaucidium gnoma</i>	Northern Pygmy-owl	O	N
<i>Gymnorhinus cyanocephalus</i>	Pinyon Jay	U	N

<i>Haliaetus leucocephalus</i>	Bald Eagle	O	Y
<i>Hirundo pyrrhonota</i>	Cliff Swallow	U	N



TABLE 2 (CONT.)

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	OBSERVED
<i>Hirundo rustica</i>	Barn Swallow	O	N
<i>Icteria virens</i>	Yellow-breasted Chat	R	N
<i>Icterus bullockii</i>	Bullock's Oriole	U	N
<i>Junco hyemalis oreganus</i>	Oregon Junco	U	N
<i>Junco hyemalis</i>	Dark-eyed Junco	C	Y
<i>Lanius excubitor</i>	Northern Shrike	O	N
<i>Lanius ludovicianus</i>	Loggerhead Shrike	U	N
<i>Leucosticte atrata</i>	Black Rosy-finches	U	N
<i>Leucosticte tephrocotis</i>	Grey-crowned Rosy-finches	U	N
<i>Loxia curvirostra</i>	Red Crossbill	O	N
<i>Loxia leucoptera</i>	White-winged Crossbill	U	N
<i>Lxoreus naevius</i>	Varied Thrush	C	Y
<i>Melanerpes lewis</i>	Lewis' Woodpecker	R	N
<i>Meleagris gallopavo</i>	Turkey	R	N
<i>Melospiza georgiana</i>	Swamp Sparrow	U	N
<i>Melospiza lincolni</i>	Lincoln's Sparrow	U	N
<i>Melospiza melodia</i>	Song Sparrow	C	Y
<i>Mergus merganser</i>	Common Merganser	C	Y
<i>Molothrus ater</i>	Brown-headed Cowbird	C	Y
<i>Myadestes townsendi</i>	Townsend's Solitaire	C	Y
<i>Nucifraga columbiana</i>	Clark's Nutcracker	C	Y
<i>Numenius americanus</i>	Long-billed Curlew	C	Y
<i>Nyctea scandiaca</i>	Snowy Owl	R	N
<i>Oreoscoptes montanus</i>	Sage Thrasher	U	N
<i>Oporornis tolmiei</i>	MacGillivray's Warbler	O	N
<i>Otus flammmeolus</i>	Flammulated Owl	U	N
<i>Pandion haliaetus</i>	Osprey	R	N
<i>Parus atricapillus</i>	Black-capped Chickadee	C	Y
<i>Parus gambeli</i>	Mountain Chickadee	C	Y
<i>Passer domesticus</i>	House Sparrow	U	N
<i>Passerculus sandwichensis</i>	Savannah Sparrow	C	N
<i>Passerella iliaca</i>	Fox Sparrow	U	N
<i>Passerina amoena</i>	Lazuli Bunting	O	N
<i>Passerina cyanea</i>	Indigo Bunting	U	N
<i>Perdix perdix</i>	Gray Partridge	O	Y
<i>Perisoreus canadensis</i>	Gray Jay	C	Y
<i>Pheucticus ludovicianus</i>	Rose-breasted Grosbeak	O	N
<i>Pheucticus melanocephalus</i>	Black-headed Grosbeak	U	N
<i>Pica pica</i>	Black-billed Magpie	O	Y
<i>Picoides pubescens</i>	Downy Woodpecker	O	Y
<i>Picoides villosus</i>	Hairy Woodpecker	O	Y
<i>Pinicola enucleator</i>	Pine Grosbeak	O	Y
<i>Pipilo maculatus</i>	Spotted Towhee	U	N
<i>Piranga ludoviciana</i>	Western Tanager	O	N
<i>Piranga olivacea</i>	Scarlet Tanager	U	N
<i>Plectrophenax nivalis</i>	Snow Bunting	U	N

<i>Pooecetes gramineus</i>	Vesper Sparrow	U	N
<i>Prothonotaria citrea</i>	Prothonotary Warbler	U	N
<i>Quiscalus quiscula</i>	Common Grackle	U	N

TABLE 2 (CONT.)

SCIENTIFIC NAME	COMMON NAME	ABUNDANCE	OBSERVED
<i>Regulus calendula</i>	Ruby-crowned Kinglet	O	N
<i>Regulus satrapa</i>	Golden-crowned Kinglet	O	N
<i>Riparia riparia</i>	Bank Swallow	O	N
<i>Salpinctes obsoletus</i>	Rock Wren	O	N
<i>Sayornis saya</i>	Say's Phoebe	U	N
<i>Seiurus noveboracensis</i>	Northern Waterthrush	U	N
<i>Selasphorus rufus</i>	Rufous Hummingbird	O	Y
<i>Setophaga ruticilla</i>	American Redstart	U	N
<i>Sialia currucoides</i>	Mountain Bluebird	C	Y
<i>Sialia mexicana</i>	Western Bluebird	U	N
<i>Sitta canadensis</i>	Red-breasted Nuthatch	O	N
<i>Sitta carolinensis</i>	White-breasted Nuthatch	O	Y
<i>Sitta pygmaea</i>	Pygmy Nuthatch	U	N
<i>Speotyto cunicularia</i>	Burrowing Owl	U	N
<i>Sphyrapicus nuchalis</i>	Red-naped Sapsucker	U	N
<i>Sphyrapicus thyroideus</i>	Williamson's Sapsucker	U	N
<i>Sphyrapicus varius</i>	Yellow-bellied Sapsucker	O	Y
<i>Spizella arborea</i>	American Tree Sparrow	U	N
<i>Spizella breweri</i>	Brewer's Sparrow	U	N
<i>Spizella pallida</i>	Clay-colored Sparrow	U	N
<i>Spizella passerina</i>	Chipping Sparrow	O	Y
<i>Stelgidopteryx serripennis</i>	Northern Rough-winged Swallow	U	N
<i>Stellula calliope</i>	Calliope Hummingbird	U	N
<i>Strix nebulosa</i>	Great Gray Owl	O	N
<i>Strix varia</i>	Barred Owl	U	N
<i>Sturnella neglecta</i>	Western Meadowlark	C	Y
<i>Sturnus vulgaris</i>	European Starling	O	N
<i>Tachycineta thalassina</i>	Violet-green Swallow	O	N
<i>Troglodytes aedon</i>	House Wren	U	N
<i>Troglodytes troglodytes</i>	Winter Wren	U	N
<i>Turdus migratorius</i>	American Robin	C	Y
<i>Tympanuchus phasianellus</i>	Sharp-tailed Grouse	U	N
<i>Tyrannus forficatus</i>	Scissor-tailed Flycatcher	U	N
<i>Tyrannus tyrannus</i>	Eastern Kingbird	U	N
<i>Tyrannus verticalis</i>	Western Kingbird	U	N
<i>Vermivora peregrina</i>	Tennessee Warbler	U	N
<i>Vireo gilvus</i>	Warbling Vireo	U	N
<i>Vireo olivaceus</i>	Red-eyes Vireo	U	N
<i>Vireo solitarius</i>	Solitary Vireo	U	N
<i>Wilsonia pusilla</i>	Wilson's Warbler	U	N
<i>Xanthocephalus xanthocephalus</i>	Yellow-headed Blackbird	O	Y
<i>Zenaida macroura</i>	Mourning Dove	O	Y
<i>Zonotrichia albicollis</i>	White-throated Sparrow	U	N
<i>Zonotrichia leucophrys</i>	White-crowned Sparrow	U	N
<i>Zonotrichia querula</i>	Harris' Sparrow	U	N

<b>AMPHIBIANS</b>			
<i>Ambystoma macractylum</i>	Long-toed Salamander	U	N
<i>Bufo boreas</i>	Western Toad	R	N
<i>Rana pipiens</i>	Northern Leopard Frog	R	N
<i>Rana pretiosa</i>	Spotted Frog	R	N
<b>REPTILES</b>			
<i>Charina bottae</i>	Rubber Boa	O	N
<i>Coluber constrictor</i>	Racer	O	N
<i>Crotalus viridis</i>	Western Rattlesnake	R	N
<i>Pituophis catenifer</i>	Gopher Snake	O	N
<i>Thamnophis sirtalis</i>	Common Garter Snake	C	N
<i>Thamnophis elegans</i>	Western Terrestrial Garter Snake	C	N

**GRADY RANCHES  
CONSERVATION EASEMENT  
MANAGEMENT PLAN**

**MONTANA FISH, WILDLIFE & PARKS**



## I. INTRODUCTION

The Grady Ranches Conservation Easement is on approximately 12,900 acres of property located approximately 25 miles northwest of Helena, near the community of Canyon Creek (Figure 1). The majority of the property occurs in deer and elk hunting district 343 and a small portion of 339. The property is generally bordered by Helena National Forest to the west, Chevallier Ranch and BLM parcels to the North and Sieben Ranch to the East, and Grady Livestock Company, along with other small private parcels to the South.

The property consists of grasslands, sagebrush-grasslands and forested mountain foothills. Major drainages on the property are Canyon Creek, Virginia Creek, North Fork of Marsh Creek, Cottonwood Creek, Bear Creek, Sears, Pikes Gulch and Gould Creek.

Presently, the main use of the Grady Ranches is for cattle ranching purposes utilizing primarily a rest rotation and deferred grazing system. Grazing occurs during spring through fall with cattle from the Grady Ranches. Timber harvest is also a limited activity on the property.

The Grady Ranch winters a significant number of the elk and deer found in hunting district 343 and a small portion of 339. The property is a popular hunting area with public access via county roads that traverse the area. Trout fishing is also found on the small streams located on the property.

The primary purpose in acquiring a conservation easement on the Grady Ranches is to protect important habitats from residential subdivision and related development while at the same time allowing for a continued ranching operation and guaranteed public recreational access. An easement with FWP will serve to protect and/or enhance habitat quality so as to provide for the needs of wildlife and agriculture in perpetuity.

Funds used for acquiring this easement would come from hunting license revenues earmarked by House Bill 526 for the Habitat Montana Program.

This management plan was written to describe various management actions which will occur as a result of a conservation easement with the Grady Ranches. This Management Plan will be updated as necessary by consent of the Landowners and FWP.

## II. GOAL

The overall management goal and purpose of the Grady Ranches Conservation Easement is to:

Conserve and protect in perpetuity the wildlife habitat and agricultural values of the Grady Ranches while maintaining public hunting opportunities as a recreation and management tool.

## OBJECTIVES

**Objective 1: Protect the productivity of soils, water and vegetation in a manner which will mutually benefit livestock grazing and wildlife.**

**Issue** The distribution of habitat types and vegetation baseline information for the Grady Ranch Conservation Easement needs to be collected.

**Strategy** Develop a Baseline Inventory (as described in the statewide habitat plan) which will provide a basis for evaluating present habitat condition. This would involve quantifying and mapping vegetation cover types, and depicting unique features which occur on the property.

**Strategy** In consultation with the FWP vegetation ecologist, monitor vegetation and habitat condition over time by establishing permanent photo plots and/or photo points and vegetation transects in each vegetation community (revisited on a 3 to 5 year schedule). Aerial and ground photographs may also be used for monitoring changes in vegetation over time.

**Issue** Livestock grazing will be conducted in a manner that will protect and maintain the basic soil and vegetation resource, while leaving adequate forage for wildlife populations existing on the property at the time of Easement purchase by FWP.

**Strategy** Allow no more than 5465 Animal Unit Months (A.U.M.s) each year at the established carrying capacity of the ranches. The animal unit (A.U.) equivalents for this Easement are as follows: Cow, 1.0 AU; Cow with unweaned calf at side, 1.25 AU; Yearling, .75 AU; Horse, 1.25 AU; Sheep, .25 AU; and Bull, 1.50 AU.

**Strategy** Through the use of transects as noted above, monitor the trend in vegetation and soil condition. Work with the landowner to adjust the grazing system to reverse any downward trend in range condition attributed to livestock or livestock use.

**Issue** The Grady Ranches Conservation Easement contains 4340 acres of classified forested land that provides conifer and thermal cover for wildlife and opportunities for sustained timber harvest. The goal is to manage the timber in a manner that will provide these values in perpetuity.

**Strategy** Prior to any timber harvest, the landowner will provide a timber plan to FWP for review. Any timber plan will comply with Best Management Practices (BMPs), as defined and described in Montana Extension Service Publication No. EB0096.

**Strategy** The timber plan will provide for establishing and maintaining conifer cover.

Conifer cover is defined as coniferous timber stands providing 25% or greater canopy cover of trees six (6) inches or larger in diameter at breast height (dbh). The Landowner will sustain at least 60% of the classified forested land in conifer cover.

**Strategy** The Landowner will maintain a minimum of 1000 acres of the Land in thermal cover for elk and other wildlife species. Thermal cover will be focused in the elk winter range on the Land, which is the zone of land below 5,800 feet elevation. No more than 200 acres of thermal cover will be in stands of less than 30 acres. For the purpose of this Easement, thermal cover will be provided by maintaining a minimum of 1000 acres with the following requirements:

- (a) At least 500 acres of trees at least 40 feet tall and having a canopy closure of at least 30%.
- (b) At least an additional 500 acres with trees at least 40 feet tall and having a canopy closure of at least 20%.

**Strategy** No commercial logging or thinning will be allowed during any fall deer or elk hunting seasons.

**Strategy** No commercial logging shall take place on any land east and northeast of Lincoln Road west and (Highway 279).

**Issue** Other activities (aside from grazing and logging listed above) could potentially affect the values of soil, water and vegetation.

**Strategy** If oil, gas or other hydrocarbon exploration, development or extraction occur, FWP will monitor the activity for compliance with the Interagency Rocky Mountain Front Wildlife/Evaluation Program (September 1987) guidelines, with the intent of minimizing or avoiding impacts.

**Strategy** Surface disturbance from mining is prohibited except for the excavation and use of (a) topsoil for ordinary domestic uses; (b) rock from an existing quarry in the NW1/4 NW1/4 of Section 25, T13N, R6W and at additional locations on the land approved by the parties; The Landowner will rehabilitate and reseed any areas disturbed for topsoil excavation.

**Strategy** Cultivation is only allowed for the purpose of improving and replanting a previously cultivated area to native grasslands or diversified tame pasture mix of grasses on approximately 320 acres in Sections 17, 20 & 21, T13N, R6W.

**Issue** The terms of the conservation easement will require coordination with the landowner.

**Strategy** FWP will meet annually or more frequently to discuss any concerns with the easement, needs for any adjustments, results of monitoring, etc. The goal will be to maintain a good working relationship between the landowner and the department.

**Objective 2: Provide traditional recreational access onto the property for hunting and fishing.**

**Issue** The present landowners allow hunting and fishing opportunities on the ranch. The goal is to maintain this existing use.

**Strategy** Subject to reasonable restrictions and limitations by the landowner, the public will have access to Canyon Creek, Virginia Creek and Gould Creek for no-fee fishing throughout the fishing seasons established by the state of Montana. Access to fishing streams are subject to the limitations listed in the Conservation Easement. Restrictions and limitations could be imposed for reasons include disorderly conduct, intoxication and safety concerns

**Strategy** The public may hunt game animals and game birds of all sex and age classes during all hunting seasons, subject to regulations adopted by the state of Montana. The landowner must allow a minimum of 475 persons to hunt on the ranch each year. This number will provide approximately 1425 hunter days of recreation annually.

**Strategy** The Department may establish a public parking area for motor vehicles in lot 3, Section 30, T13N R5W, immediately adjacent to Lincoln Road West (Highway 279), for the purpose of accommodating public hunting access to the land. No overnight camping will be permitted at this location.

**Strategy** Block Management has been successfully implemented for the past 13 years and provides the framework for the hunter access portion of the easement. Hunter distribution, parking area designation, assisting with enforcement, etc. are all a part of the block management portion of the management plan.

**Issue** The public needs to be treated equally in the use of the Conservation Easement property.

**Strategy** The Landowner, Landowner's immediate family, Landowner's shareholders, partners, or employees or immediate family of shareholders, partners and employees of the Landowner shall not count towards satisfying the minimum number of hunters allowed on the Land.

**Strategy** Persons staying on the ranch as a part of any guest ranching operation will be required to abide by the terms of the easement.

**Issue** The Landowner may incur management problems and impacts related to public access.

**Strategy** Provide assistance to the landowner upon request to alleviate possible problems with managing hunter access (e.g. providing signs, continued participation in the block management program, etc).

**Strategy** Limit public vehicle access to the established county roads to reduce cross-country travel, the spreading of noxious weeds, road damage and provide additional security for wildlife.

**Strategy** The landowners at their discretion may allow hunters to use designated private ranch roads for access by designated motor vehicles or livestock for the retrieval of game, as long as this privilege does not violate the provisions of any Block Management agreement that might be in place.

**Strategy** The Landowner and or Department may deny the public access at any time for just cause such as disorderly conduct, intoxication, safety concerns, or other reasons as listed in the Conservation Easement or terms, rules, regulations and statutes of the Block Management Program.

**Issue** Recreational use of Grady Ranches needs to be monitored to verify landowner compliance with access requirements.

**Strategy** FWP will periodically patrol the Grady Ranches over the course of the hunting season to evaluate compliance with access, use of designated roads, road sign maintenance, hunter numbers and other features of the program.

**Objective 3: Maintain and/or improve the wildlife values which exist on the Grady Ranches Conservation Easement property.**

**Issue** Maintain existing wildlife habitat.

**Strategy** Document and map sagebrush distribution, conifer and timber thermal cover in the Baseline Study that can be monitored over time in order to detect changes.

**Issue** There is a potential for game damage to occur on the Grady Ranch and adjacent properties.

**Strategy** On the Grady Ranches and adjacent properties, game damage problems will be managed through public hunting whenever possible during general season frameworks. Game damage materials will be provided on an as needed basis to adjacent landowners

who allow public hunting.

**Strategy** The elk population will be managed within the framework of the Elk Management Plan (EMU) and not allowed to exceed the stated objective. Present elk numbers in the EMU are at objective and will be kept within those numbers with the use of hunter harvest.

**Issue** Human activities (particularly vehicular) during the winter can displace big game to their detriment.

**Strategy** FWP discourages unnecessary human activities which disturb wintering big game. The easement stipulates against leasing the property for winter recreation.

**Strategy** The use of snowmobiles on the Land by any person, including guests involved in guest ranching activities, is prohibited, except for use by the landowners immediate families and full time employees in the ordinary course of the Landowner's agricultural activities.

**Issue** The landowner has the right to conduct guest ranching activities that are consistent with agricultural uses of the property. Four dwellings will be allowed in the area of the existing Pilgeram cabin that may be rented to occasional or temporary guests of the Landowner.

**Strategy** These guests may not be granted or provided any special hunting privileges on the Land not enjoyed by the public and do not count against the hunter access numbers provided for in the Easement. The guest ranch operation will not be allowed to create any conflict with the purposes of the Easement.

**Strategy** The size allowed for each dwelling is limited to 2000 square feet per floor limited to two stories with no provision for expansion that would conflict with the provisions of the Easement.

**Strategy** Use of snowmobiles except for Landowner agricultural purposes as listed above, is prohibited.

**Issue** There may be habitat enhancement opportunities for upland game birds or waterfowl which are not addressed in the easement.

**Strategy** FWP will review the ranch's potential for habitat enhancements and pursue habitat projects which are of interest to the landowner and meet habitat program objectives.

**Issue** Conifer cover on the ranch provides important thermal and conifer cover for wildlife.

**Strategy** Maintain a minimum of 1000 forested acres in thermal cover and 60% of the classified forest in conifer cover as described earlier in **Objective 1**.

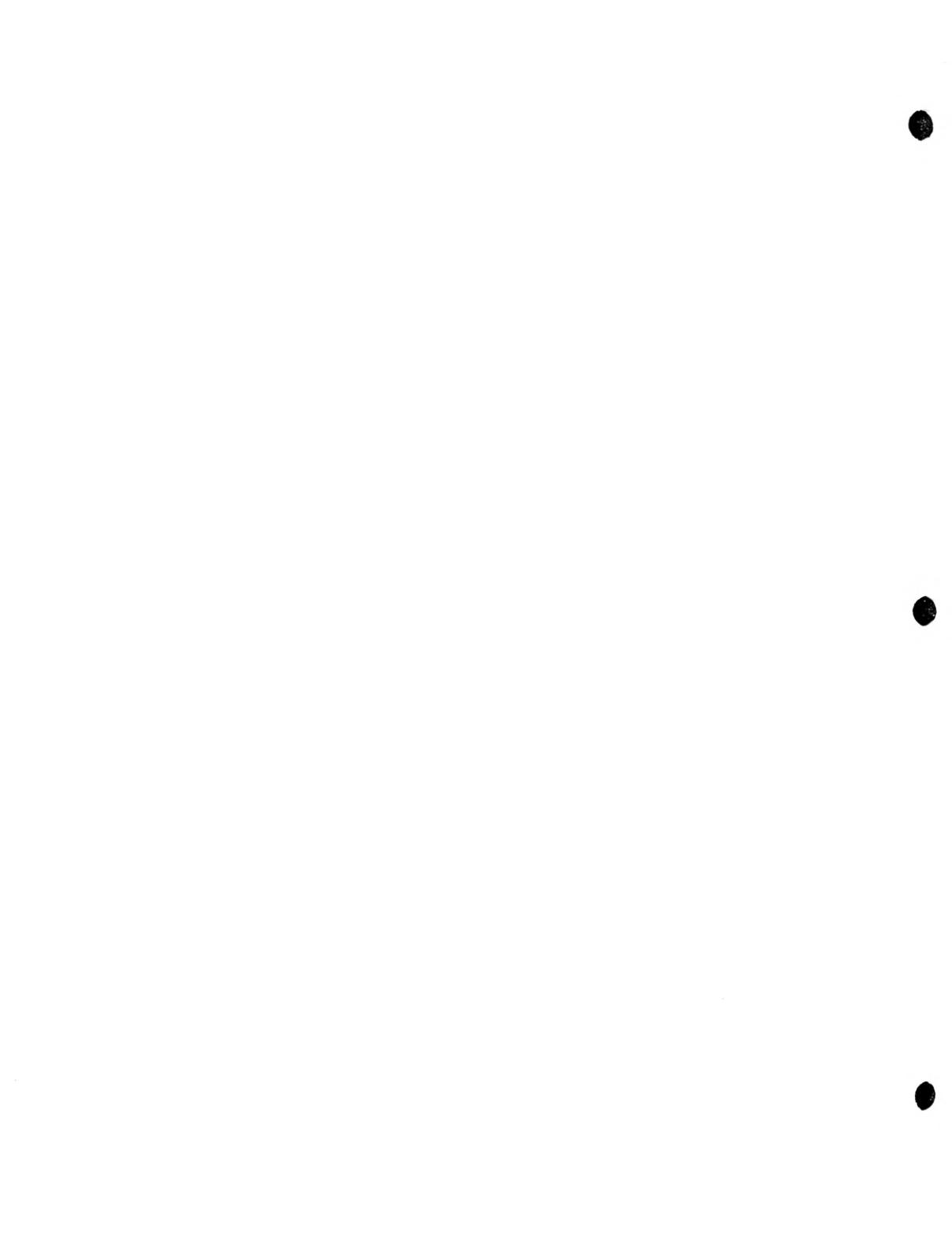
**Issue** Sagebrush provides winter forage for big game (particularly mule deer), birthing and hiding cover for game animals and other wildlife species.

**Strategy** Allow the Landowner to treat no more than 250 acres of sagebrush during any five-year period. This will maintain adequate sagebrush cover over time.

**Strategy** Landowner will notify FWP prior to treatment to design projects that will have the least detrimental affect on wildlife. Treatments will strive to leave mosaic patterns of sagebrush.

**Issue** The Grady Ranches Conservation Easement property can at times winter nearly half of the elk found in district 343. The availability of adequate winter forage for elk is important.

**Strategy** Work with the Grady Ranches if necessary adjust any grazing practices that might be significantly affecting the availability of winter forage for the allowable number of elk using the property.

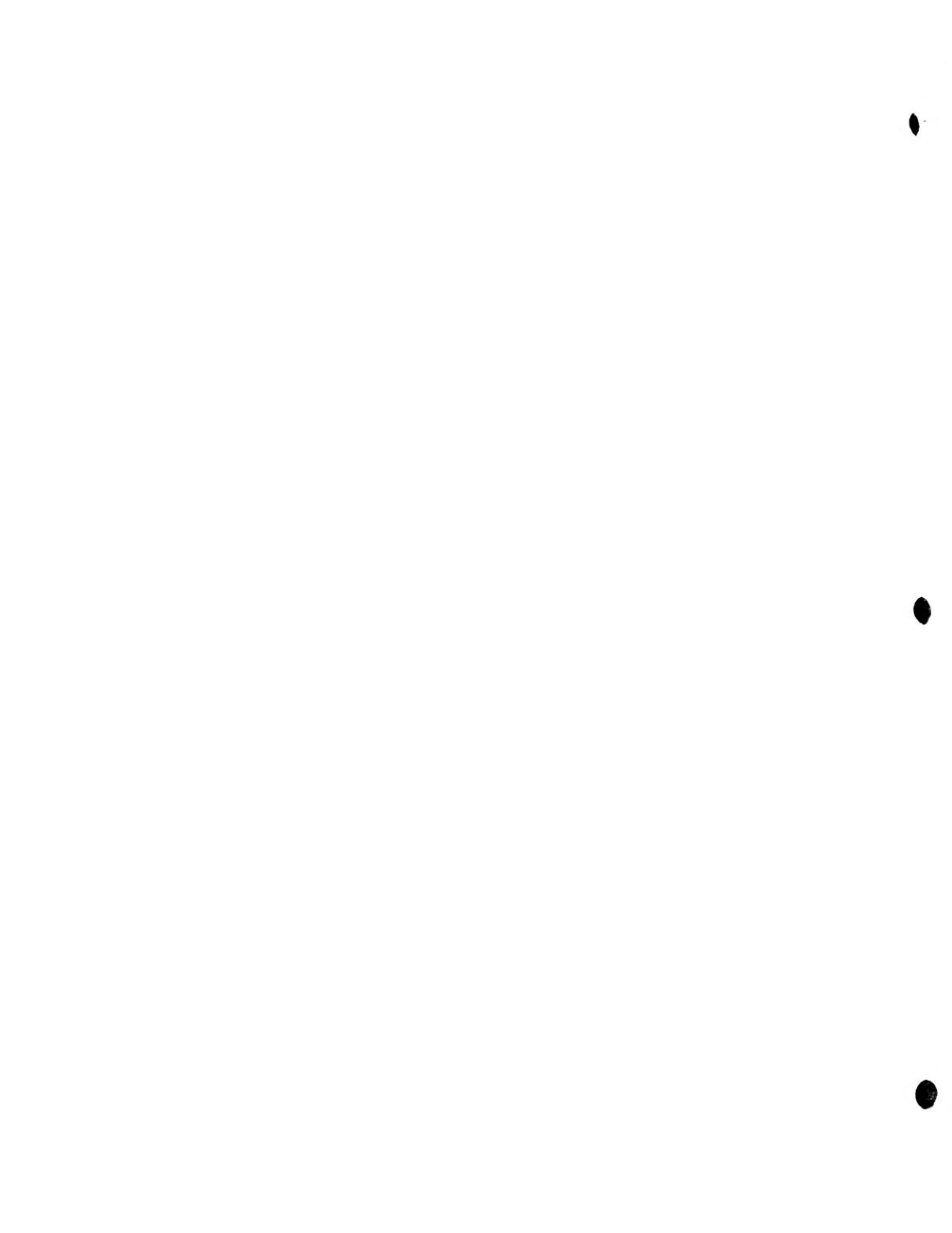


**GRADY RANCHES  
CONSERVATION EASEMENT  
SOCIO-ECONOMIC ASSESSMENT**

**MONTANA FISH, WILDLIFE AND PARKS**

Prepared by:

Rob Brooks



## I. INTRODUCTION

House Bill 526, passed by the 1987 Legislature (MCA 87-1-241 and MCA 87-1-242), authorizes Montana Fish, Wildlife and Parks (FWP) to acquire an interest in land for the purpose of protecting and improving wildlife habitat. These acquisitions can be through fee title, conservation easements, or leasing. In 1989, the Montana legislature passed House Bill 720 requiring that a socioeconomic assessment be completed when wildlife habitat is acquired using Habitat Montana monies. These assessments evaluate the significant social and economic impacts of the purchase on local governments, employment, schools, and impacts on local businesses.

This socioeconomic evaluation addresses the purchase of a conservation easement on property presently owned by the Grady Ranches. The report addresses the physical and institutional setting as well as the social and economic impacts associated with the proposed conservation easement.

## II. PHYSICAL AND INSTITUTIONAL SETTING

### A. Property Description

The Grady Ranches is located about 25 miles northwest of Helena near the community of Canyon Creek in Lewis and Clark County. This easement encompasses approximately 12,900 acres of forest land, grasslands and sagebrush-grassland habitat. A detailed description of this property is included in the environmental assessment (EA)..

### B. Habitat and Wildlife Populations

Elk, mule deer, white-tailed deer, black bears and mountain lions use the area either year-round or seasonally. The habitat also supports mountain grouse, hungarian partridge, an occasional wolf and a host of nongame species. A complete list of species is available in Appendix A of the Environmental Assessment.

### C. Current Use

The property is a working ranch. The ranch supports a cattle operation and contains 4340 acres of classified forest land capable of supporting limited commercial timber harvest. The Grady Ranches provide public access to their lands for both hunting and fishing.

#### D. Management Alternatives

- 1) Purchase a conservation easement on the property by FWP
- 2) No purchase

Alternative 1, the purchase of a conservation easement will provide long term protection for the agricultural activities this land supports as well as allow for the protection and enhancement of the native habitats and wildlife this land sustains.

The second alternative, the no purchase option, does not guarantee the protection of these resources from future development.

#### **MFWP Purchase of Conservation Easement**

The intent of the Grady Ranches conservation easement is to protect and enhance the wildlife habitat currently found on the property while maintaining the agricultural uses of the property. In addition, this easement will provide public access to the property in perpetuity. The Deed of Conservation Easement specifies the terms of the agreement. The major points presented here may affect the socioeconomic environment. They are:

- 1) Restrict residential subdivision or commercial development.
- 2) No commercial use of land and resources except those allowed by the Easement.
- 3) No new buildings or construction except that allowed by the Easement.
- 4) Mineral exploration/extraction are limited by the terms of the Easement.
- 5) Timber management conducted in accordance with the terms of the Easement.
- 6) Renting or leasing access for recreational purposes is prohibited.
- 7) Owners may cultivate and improve 320 acres of previously cultivated, abandoned cropland.

A complete list of the restrictions this easement has on the landowners and FWP is provided in the Deed of Conservation Easement for the Grady Ranches.

#### **No Purchase Alternative**

This alternative requires some assumptions since management of the property will vary depending on what the current owners decide to do with the property if FWP does not purchase a conservation easement.

Subdivision or development of the land is a possibility. In addition, current commercial uses of the land may be expanded which could harm the wildlife habitat. Public access to this

property for hunting and fishing would not be guaranteed without an easement. The economic impacts associated with this alternative have not been calculated.

### III. SOCIAL AND ECONOMIC IMPACTS

Section II identified the management alternatives this report addresses. The purchase of a conservation easement will provide long term protection of important wildlife habitat, help to preserve the open space characteristics of the area, keep the land in private ownership and provide for public access for hunting and fishing. Section III quantifies the social and economic consequences of the two management alternatives following two basic accounting stances: financial and local area impacts.

Financial impacts address the cost of the conservation easement to FWP and discuss the impacts on tax revenues to local government agencies including school districts.

Expenditure data associated with the use of the property provides information for analyzing the impacts these expenditures have on local businesses (i.e. income and employment).

#### A. Financial Impacts

The financial impacts on FWP are related to the purchase price of the conservation easement and maintenance/management costs. The Grady Ranches conservation easement will cost FWP \$2,350,000. The \$350,000 that has already been paid to the Grady Ranches under the 1992 Management Agreement will be applied to the total purchase price. Maintenance/management costs related to the easement are associated with monitoring the property to insure the easement terms are being followed. These costs are unknown at this time.

The financial impacts to local governments are the potential changes in tax revenues resulting from the purchase of the conservation easement. The Grady Ranches easement will leave the land in private ownership and will not change the type of use on the property. There will be no significant changes in tax revenues to local governments including schools due to the easement.

#### B. Economic Impacts

The purchase of a conservation easement will not adversely affect the existing commercial activities on the Grady Ranches property. Consequently there will not be any significant financial impacts to local businesses associated with the ranching/farming activities.

## FINDINGS AND CONCLUSIONS

As noted at the beginning of this document, the Grady Ranches is located in Lewis and Clark County about 25 miles northwest of Helena, MT.

This easement will provide long term protection for critical wildlife habitat along the east side of the Continental Divide. An easement on this property would also ensure public access to not only this property but to both public and state trust lands that lie adjacent to this land.

The purchase of a conservation easement by FWP will not cause a reduction in tax revenues to Lewis and Clark County.

The agricultural/ranching operations will continue at their current levels. The financial impacts of the easement on local businesses will be neutral.

The purchase of a conservation easement on land owned by the Grady Ranches appears to be in the public interest.



